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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

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9:30 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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COMMITTEE MEMBERS

Jose Medina, Chairperson

Steven Jones

Michael Paparian

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Patty Wohl, Deputy Director

Jim Lee, Deputy Director

Wendy Breckon, Staff Counsel

Kathy Frevert

Martha Gildart

James Herota

Jan Howard

Howard Levenson

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Stacey Patenaude

Edgar Rojas

Todd Thalhammer

Shirley Willd-Wagner

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CHAIRPERSON JONES: I think I'm the temporary

Chair for today -- or for this couple of minutes.

I think first -- this says select a Committee

Chair and then call the roll. I think we'll call the roll

first.

Go ahead, Jeannine.

SECRETARY BAKULICH: Medina?

COMMITTEE MEMBER MEDINA: Here.

SECRETARY BAKULICH: Paparian?

COMMITTEE MEMBER PAPARIAN: Here.

SECRETARY BAKULICH: Washington?

COMMITTEE MEMBER WASHINGTON: Here.

SECRETARY BAKULICH: Jones?

CHAIRPERSON JONES: Here.

I want to just do a couple of things. One, I
want to thank Shirley and Martha and everybody with the
tire group for the incredible work that they've done. And
Patty Wohl and her folks for the work they've done.

I'm not going to be seeking a nomination for this
Committee. I think others need a chance to do their
thing.

So I'm going to just thank everybody for the
work, and let everybody know that there is, you know --
other than having a pot of money in this place, there is a

1 lot of work that needs to be done for market development.
2 Otherwise all of our efforts for the last 11 years go down
3 the toilet.

4 So this is important work that you all do and
5 that we do.

6 With that, I will open this up for nominations.

7 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

8 COMMITTEE MEMBER PAPARIAN: Mr. Chair.

9 CHAIRPERSON JONES: Mr. Washington.

10 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I'd like
11 to nominate Jose Medina as Chair of this Committee.

12 COMMITTEE MEMBER PAPARIAN: I'll second that.

13 CHAIRPERSON JONES: Okay.

14 COMMITTEE MEMBER PAPARIAN: And I'd also like --
15 Mr. Chairman, you have done a great job chairing this
16 Committee, and I really want to acknowledge that. We have
17 our differences at times. And I think we both enjoy the
18 spirited discussions we have. When we have those
19 differences, I think we both enjoy working things out more
20 than having differences. And I think we've done that many
21 more times than we've disagreed.

22 Some of the work that you've done has been very
23 important. Really drawing our attention to the Sonoma
24 County tire issues has been -- it's been educational for
25 me and it's shown me that you have a depth of

1 understanding of the complexity of the issues up there.

2 And I hope you would continue to work on that
3 issue even if you're not the Chair and help us really
4 resolve that issue, as well as continuing your work -- I
5 know the PR 1133 issue at the South Coast Air District has
6 been really vital to the interests of the Board, and I'd
7 hope you'd continue on that as well as some of the other
8 issues that you've been working on. But those two really
9 stand out as things where your leadership and background
10 has been vital to the programs of the Board.

11 CHAIRPERSON JONES: I appreciate that, Mr.
12 Paparian.

13 All right. We've got a nomination by Mr.
14 Washington and a second by Mr. Paparian.

15 Would you call the roll.

16 SECRETARY BAKULICH: Medina?

17 CHAIRPERSON JONES: You can vote for yourself.

18 COMMITTEE MEMBER MEDINA: Okay.

19 SECRETARY BAKULICH: Paparian?

20 COMMITTEE MEMBER PAPARIAN: Aye.

21 SECRETARY BAKULICH: Washington?

22 COMMITTEE MEMBER WASHINGTON: Aye.

23 SECRETARY BAKULICH: Jones?

24 CHAIRPERSON JONES: Aye.

25 All right. Thanks.

1 CHAIRPERSON MEDINA: First I want to say that,
2 you know, I'm looking forward to the work that lies ahead.
3 My special area of interest is market development. And
4 certainly I had a lot of first-hand experience in where
5 the rubber hits the road when I was at Caltrans. So I
6 know there's a lot of work that needs to be done
7 environmentally in regard to waste tires. And so I look
8 forward to working with the staff that oversee this
9 program.

10 And I also want to acknowledge Board Member
11 Jones' work as Chair of this Committee. I know that he
12 chaired this Committee very well, and that the Waste Board
13 itself really benefited as a result of his knowledge and
14 experience in this area; and also his rapport with the
15 people that are actually out in the field, because that's
16 his background and that's something that is not easy to
17 come by. It's those personal contacts, having the trust
18 and confidence of people out in the field. And so I know
19 that you've brought that to this Committee and to this
20 Board. So I appreciate your work very much.

21 And I have certainly also followed the way that
22 you've chaired meetings, and you've moved them along very
23 expeditiously. And at the same time we have gotten down
24 to the kernel of, you know, what we needed to in regard to
25 any subject here.

1 So I want to thank you, Steve, for Chairing this
2 Committee, and I look forward to working with you as we
3 move along.

4 And I want to welcome Board Member Washington to
5 this Committee. And I know that he will prove invaluable,
6 as we need support over in the legislative house also on a
7 number of these issues. So, Board Member Washington, I
8 look forward to working with you on this Committee.

9 And of course Board Member Paparian, as I see him
10 reading those statutes all the time and see him reading
11 all the regulations, all the policy and bring a lot of
12 knowledge to the Committee that he chairs and to the
13 Board.

14 So I think that I'm very fortunate to have three
15 very capable Board members to serve with me on this
16 Committee. And with that, we've had roll call and we have
17 a quorum, so we'll move on to the Special Waste Deputy
18 Director's report.

19 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.
20 And good morning, members of the Committee. My name is
21 Jim Lee with the Special Waste Division.

22 Before I begin this morning's Deputy Director's
23 report, I'd like to ask the Committee's indulgence for a
24 brief moment. I'd like to take this opportunity to
25 acknowledge the contributions of my predecessor in this

1 position, Ms. Shirley Willd-Wagner.

2 Shirley has been both a mentor and a friend.

3 Much of the progress and improvements in our program,
4 particularly on the used oil side, and my own personal
5 growth and development within this organization are due in
6 large part to her leadership, support and encouragement.
7 I just want to say, thank you, Shirley.

8 Now, under the Deputy Director's report. We held
9 our annual used oil forum on December 5th and 6th in
10 Pasadena with more than 150 representatives of local
11 government and business in attendance. Committee Member
12 Jones delivered the keynote address, which was very well
13 received.

14 We used the forum this year to introduce and
15 advance the concept of community-based social marketing,
16 which we feel is an ideal supplement or replacement for a
17 traditional media-based publicity and education effort.

18 Preliminary feedback which we have received from
19 many conference participants indicate that they are very
20 willing to explore the utilization of these social
21 marketing principles in their own programs.

22 A brief update on the used oil nonprofit grant
23 cycle, the criteria for which were approved by the Board
24 in October. Sixteen applications were received by the
25 December 20th deadline. As you know, \$3 1/2 million are

1 available, you know, for that particular grant. We expect
2 to be making recommendations to the Board for grant awards
3 at the April Board meeting.

4 And just a reminder, the Special Waste Committee
5 workshop will be held on January 30th. Staff will be
6 presenting proposed program elements and budget estimates
7 for the revised five-year plan to cover Fiscal Years
8 2003-4 to 2007-8.

9 That concludes my report. And unless there are
10 questions from the Committee, we are prepared to move into
11 the agenda for today.

12 CHAIRPERSON MEDINA: Thank you, Mr. Lee, and
13 welcome aboard.

14 And, Board members, any questions, any comments?
15 If not, we'll move on to the next item.

16 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

17 The first two items for the Committee's
18 consideration are Item 43, Committee Item D, consideration
19 of the scope of work for re-refined oil outreach. It Will
20 be followed by Item 44, Committee Item E, which is
21 approval of the contractor for this work.

22 We would like to present these items in tandem,
23 owing to their interconnectivity.

24 James Herota of the Used Oil Branch will present
25 these items for the Board's consideration -- the

1 Committee's consideration.

2 MR. HEROTA: Good morning, Chairperson Jones and
3 Committee members.

4 I'm James Herota with the Used Oil Household
5 Hazardous Waste Branch. I'm here to present Agenda Item
6 D, consideration of the scope of work for the re-refined
7 oil outreach, Fiscal Year 2002-2003 Used Oil Program
8 Contract Concept Number O-34; and Agenda Item E,
9 consideration of contractor for re-refined oil outreach,
10 Fiscal Year 2002-2003, Used Oil Program Contract Concept
11 Number O-34.

12 (Thereupon an overhead presentation was
13 Presented as follows.)

14 MR. HEROTA: At the October 15th-16th, 2002,
15 Board meeting, the California Integrated Waste Management
16 Board approved the contract concept to provide outreach to
17 promote the use of re-refined oil to professional oil
18 installers or fast lubes. This contract would provide
19 funds for a contractor to develop and test marketing
20 strategies to determine how best to promote the sales of
21 re-refined oil in fast-lube businesses.

22 Once successful marketing strategies are
23 developed, strategies would be made available to local
24 jurisdictions as a tool to encourage fast lubes to offer
25 customers re-refined motor oil.

1 The proposed marketing pilot is anticipated to
2 increase the market demand for re-refined oil by
3 attracting customers in the 18 to 30 year age groups who
4 are environmentally conscious, do-it-yourselfers, and
5 fleet vehicle operators in need of meeting re-recycled
6 content product requirements.

7 --o0o--

8 MR. HEROTA: The scope of work will be conducted
9 within 24 months, from March 2003 through March 2005.

10 The contractor would be required to complete the
11 following tasks:

12 Under task 1, the contractor would develop
13 marketing strategies to be employed within the fast lube
14 by identifying the barriers and benefits to marketing
15 re-refined oil as perceived by fast-lube operators and
16 fast-lube customers. The contractor would develop five
17 marketing strategies as follows:

18 The first strategy would test the effectiveness
19 of offering a promotional incentive not to exceed 75 cents
20 paid to the point-of-sale staff for each customer that
21 purchases an oil change that uses re-refined oil. The
22 contractor would provide training and develop a training
23 manual for the service technician that promotes re-refined
24 oil. The funding for the incentive would be from the
25 re-refined oil outreach contract.

1 The second strategy would test the effectiveness
2 of a public service television advertisement and light
3 point-of-sale advertisements. The contractor would
4 develop and place public television advertisements in
5 conjunction with the point-of-sale promotion, including
6 graphics that match graphics used in the fast lube.

7 The third strategy would test the effectiveness
8 of a public radio advertisement and light point-of-sale.
9 The contractor would develop and place public radio
10 advertisements with a point-of-sale promotion including
11 graphics.

12 The fourth strategy would test the effectiveness
13 of a heavy point-of-sale advertising. Contractor would
14 develop and place the point-of-sale advertisements,
15 including signage and social marketing elements such as a
16 customer decal card given to each customer that signs a
17 pledge to continue using re-refined oil.

18 The fifth strategy would include a controlled
19 comparison to assess the changes in the experimental
20 strategies that I just mentioned. The fast lube would
21 have no change in business advertisements, but must offer
22 re-refined oil in their oil changes.

23 --o0o--

24 MR. HEROTA: Under task 2, the contractor would
25 enlist fast-lube businesses to participate in the pilot.

1 Under task 3, the contractor would retain a
2 re-refined oil distributor to supply the fast-lube
3 businesses with re-refined oil that are willing to
4 participate in the marketing pilot.

5 --o0o--

6 MR. HEROTA: Under task 4, the contractor would
7 implement a marketing strategy in each of the fast food
8 businesses participating in the marketing pilot.

9 Under task 5, the contractor would provide to the
10 Board a final written report evaluating and summarizing
11 each marketing strategy.

12 Under task 6, the contractor would provide up to
13 two oral presentations before the Board or conferences.

14 The funds for this project would come from the
15 Used Oil Recycling Fund. And a total of \$150,000 was
16 allocated at the October 15th-16th, 2002, Board meeting.

17 The contractor selected for this scope of work is
18 Dr. Carol Dorn with California State University, Dominguez
19 Hills. I plan on distributing a profile of the contractor
20 by the end of the week. We are currently completing that
21 profile right now.

22 If you'd like to know more about the professor, I
23 do have a copy of her resume.

24 --o0o--

25 MR. HEROTA: Options for the Board is:

1 Option 1, approve the scope of work by adopting
2 Resolution 2003-5 and approve CSU Dominguez Hills as a
3 contractor by adopting revised Resolution 2003-4, for
4 \$150,000.

5 --o0o--

6 MR. HEROTA: Two, approve the proposed scope of
7 work with changes and adopt the Resolution 2003-5 and
8 revised Resolution 2003-4, with the specific revisions.

9 Or, Option 3, disapprove the proposed scope of
10 work and resolutions and provide staff with input to
11 present this item for consideration by the Board at a
12 future meeting.

13 The staff recommendation is to opt for Option 1,
14 approve the scope of work by adopting Resolution 2003-5
15 and approve CSU Dominguez Hills as a contractor by
16 adopting revised Resolution 2003-4 for \$150,000.

17 --o0o--

18 MR. HEROTA: That concludes my presentation. May
19 I answer any questions?

20 CHAIRPERSON MEDINA: Board members, before we go
21 on, a couple of housekeeping items.

22 First, number 1, please turn off pagers and set
23 them to a vibrate mode.

24 Agendas are at the back of the room, as are slips
25 for public comment. So if you wish to speak on any of

1 these items, please hand them into Jennine Harris here on
2 my right.

3 And, Board members, are there any ex partes?

4 Board Member Washington?

5 COMMITTEE MEMBER WASHINGTON: No.

6 CHAIRPERSON MEDINA: Board Member Jones?

7 COMMITTEE MEMBER JONES: No.

8 CHAIRPERSON MEDINA: Board Member Paparian?

9 COMMITTEE MEMBER PAPARIAN: No.

10 CHAIRPERSON MEDINA: And I have one. Judy Ware
11 from Madison Materials. I had a discussion with her in
12 regard to the C&D regs yesterday during the inaugural
13 activities. So it was a good time to meet people. And so
14 she took the opportunity to come up and talk to me about
15 the C&D regs.

16 With that, on this particular item, Board
17 members, any questions?

18 COMMITTEE MEMBER JONES: Mr. Chair.

19 CHAIRPERSON MEDINA: Yes, Mr. Jones -- Board
20 Member Jones.

21 COMMITTEE MEMBER JONES: Thank you.

22 I have a couple of issues.

23 The 75 cent rebate, I mean have we really
24 analyzed this? Does that make a whole -- I mean do we see
25 value in that? Or have we looked at the -- you know, I

1 see a couple of things that I'm not clear on. I actually
2 went in to a fast lube with a new car and asked for
3 re-refined oil, and they didn't have it. So I've got no
4 problem with doing this.

5 But there's nothing in the scope that talks about
6 identifying the barriers, with the public's mind that I
7 saw, you know, I mean really identifying what the issues
8 are that the public is going to most be concerned with.

9 And so, you know, we can get a distributor and we
10 can get people to sell it. But if we don't go to the
11 heart of what people think about when they hear the word
12 "re-refined," it's going to be pretty tough, I think, to
13 pull them through. So I think we ought to give some
14 thought to the idea of really trying to identify what the
15 barriers are, and then coming up with a strategy that can
16 answer those questions, would be one thing.

17 And then we're targeting people between the ages
18 of 18 and 30. And while, you know, that may make sense
19 from the standpoint that they're young and we may have a
20 preconceived notion as to, you know, what they may think
21 environmentally. When AB 939 came around those 18-year
22 old's were 6, the 30-year old's were, you know 18. So I
23 think I'd widen that scope a little bit to look at 45
24 year -- you know, some of the baby boomers, who may have a
25 better understand -- I mean leave it at 18, but increase.

1 Because I think it's important to take advantage
2 of all the work that we've been doing over the years with
3 AB 939. And target some of those messages along that same
4 lines, and then you'll have an audience that is already a
5 little bit aware.

6 But I would look at that 75 cents and figure out
7 what the barriers are. Because you may be able to -- you
8 know, we've got to know -- we all live with this stuff all
9 the time. So you understand that oil never breaks down,
10 it's just the additives. The public doesn't know that. I
11 think your 75 cents would be better spent trying to figure
12 out what the barriers are and how to educate people into
13 what oil really does. Because you're going to have oil
14 companies that may not be very fond of the idea -- of this
15 idea. Maybe you won't. But, you know, I'd be prepared
16 for some different spins coming from other folks as we get
17 more successful.

18 So I'd really look at the idea of trying to
19 figure out what those barriers are, and then coming up
20 with a strategy that alleviates people's concerns or at
21 least answers common questions that people might have
22 about re-refined oil.

23 DEPUTY DIRECTOR LEE: Mr. Jones, we would point
24 out that under the key issues, that surveying the fast
25 lubes is identified as one of the key issues. And

1 overcoming barriers is, you know, part of that work. And
2 then under the tasks under "work to be performed,"
3 developing marketing strategies, you know, to be employed
4 at each of these facilities is also discussed. So we
5 believe that, you know, there is some barrier
6 identification that is part and parcel, you know, of this
7 proposal.

8 COMMITTEE MEMBER JONES: But is it a barrier to
9 get into the quick lube or a barrier to increase citizen
10 acceptance? I read it as trying to get into the quick
11 lube.

12 MR. HEROTA: We've got -- part of Task 1,
13 developing the marketing strategies to be employed within
14 the participating fast-lube businesses, includes a survey
15 of the fast lubes to determine what barriers they see
16 preventing them from offering re-refined oil, and then to
17 identify the barriers for the customers. We've included
18 focus group discussions with these customers to find out
19 what types of barriers they perceive to preventing them
20 from using re-refined oil.

21 To address the 18 to 30 year old age group
22 concern, if you didn't have any more questions on the ID
23 of barriers. On the 18 to 30 year old category, one of
24 the reasons why we were focusing on that 18-to-30-year-age
25 group is because they're going to be more likely to try

1 something new as compared to an older audience.

2 So speaking to the 40 year old age group, you
3 know, that's something that we wanted to include within
4 the scope. But given the funding and the extensive
5 testing of the marketing strategies, we thought that we
6 could do a more thorough job just concentrating on which
7 age group would be most likely to switch over to something
8 new. And that brought us back to the 18 to 30 year old
9 age group.

10 So on that note, would the Board like to hear
11 more changes later to this, or could you provide more
12 guidance on where we're going from there?

13 CHAIRPERSON MEDINA: Board Member Washington,
14 Board Member Paparian, do you have any recommendations in
15 this? I know that Board Member Jones points are well
16 taken.

17 Board Member Jones, do you have any specific
18 recommendations?

19 COMMITTEE MEMBER JONES: I mean I would go along
20 with this. I just think that we've got to, you know,
21 identify -- there's going to be barriers getting into the
22 fast lubes because they're usually franchised or have
23 agreements with oil companies. So that's how I read that
24 barrier.

25 MR. HEROTA: And we hope to address that within

1 the survey of the fast-lube owner-managers, and so we can
2 determine exactly, you know, what are their issues to
3 using re-refined oil in their fast lube. And then based
4 on that, the contractor can walk away with a better idea
5 on how to formulate a marketing strategy.

6 DEPUTY DIRECTOR LEE: Mr. Jones, for further
7 clarification, it is the intent to identify barriers. Not
8 to just, you know, using the fast lube but, you know,
9 basically the barriers to using re-refined oil as a whole.

10 COMMITTEE MEMBER JONES: Okay. Then I'm fine.
11 As long as they do that, that's fine.

12 CHAIRPERSON MEDINA: Okay. Thank you.

13 Can we have a motion on this?

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

15 CHAIRPERSON MEDINA: Yes, Board Member
16 Washington.

17 COMMITTEE MEMBER WASHINGTON: I'd like to move
18 consideration of Resolution 2003-5, consideration of scope
19 of work for re-refined oil outreach, Fiscal Year
20 2002-23003, Used Oil Fund Contract Concept Number 0-34.

21 COMMITTEE MEMBER JONES: I'll second.

22 CHAIRPERSON MEDINA: Resolution 2003-5 has been
23 moved by Board Member Washington, seconded by Board Member
24 Jones.

25 Call the roll please.

1 SECRETARY HARRIS: Washington?

2 COMMITTEE MEMBER WASHINGTON: Aye.

3 SECRETARY HARRIS: Jones?

4 COMMITTEE MEMBER JONES: Aye.

5 SECRETARY HARRIS: Paparian?

6 COMMITTEE MEMBER PAPARIAN: Aye.

7 SECRETARY HARRIS: Medina?

8 CHAIRPERSON MEDINA: Aye.

9 Okay. This is --

10 COMMITTEE MEMBER PAPARIAN: Mr. Chairman.

11 The contractor's qualifications you were going to
12 get to us later this week, or background?

13 MR. HEROTA: Yes.

14 COMMITTEE MEMBER PAPARIAN: Okay. Because I
15 would like to see that before the final vote on this.

16 Thanks.

17 MR. HEROTA: All right.

18 COMMITTEE MEMBER PAPARIAN: I'm fine with it
19 going on consent. I'll pull it off if I have any
20 questions or issues.

21 COMMITTEE MEMBER JONES: Mr. Chair?

22 CHAIRPERSON MEDINA: Yes.

23 COMMITTEE MEMBER JONES: I'll move adoption of
24 Resolution 2003-4, consideration of the contractor for the
25 re-refined oil outreach 2002-3, Used Oil Concept O-34.

1 I forget the woman's -- what was the name?

2 MR. HEROTA: CSU Dominguez Hills.

3 COMMITTEE MEMBER JONES: Okay. CSU Dominguez
4 Hills as a contractor.

5 CHAIRPERSON MEDINA: Is there a second?

6 COMMITTEE MEMBER WASHINGTON: Second.

7 CHAIRPERSON MEDINA: Resolution 2003-4 has been
8 moved by Board Member Jones, seconded by Board Member
9 Washington.

10 Substitute the previous vote?

11 This item will move to Committee consensus.

12 MR. HEROTA: Thank you.

13 DEPUTY DIRECTOR LEE: Chairman Medina, The next
14 two items are Items 45 and 46. They're also interrelated.

15 Item 45, Committee Item F, is consideration of
16 allocation to supplement the 2004 used oil and recycling
17 conference contract concept to add household hazardous
18 waste to the conference, and the consideration of a scope
19 of work for the 2004 Used Oil Recycling and Household
20 Hazardous Waste Conference Contract.

21 Item 46, Committee Item G, is consideration of
22 the contractor for that contract.

23 Shirley Willd-Wagner will present these items.

24 MS. WILLD-WAGNER: Good morning, Chair Medina and
25 Committee members. I'm Shirley Willd-Wagner with the Used

1 Oil and Household Hazardous Waste Branch.

2 And Jim just gave us the big long title for this
3 Item F, Board Item 45, so I won't repeat that.

4 I'll start with telling you why we're proposing
5 to combine the two conferences. Also for background,
6 Member Washington, the Division usually sponsors two
7 separate conferences, the used oil forum every year, and
8 also the household hazardous waste conference.

9 The Used Oil Forum really focuses on used oil
10 recycling issues, marketing strategies, confined to the
11 used oil program specifically.

12 The Household Hazardous Waste Conference has been
13 co-sponsored for the last eight years with the Department
14 of Toxic Substances Control. We worked very closely on
15 putting that conference together with them. And it has
16 naturally a broader scope. Deals a lot with electronic
17 waste, universal waste, alternatives to household
18 hazardous waste, paint, antifreeze, those types of issues.

19 However, there's several issues that are
20 overlapping-type of content materials, such as grant
21 management programs, program planning and evaluation
22 sessions, publicity and education. Also just overall
23 collection. Used oil is of course the largest part of the
24 household hazardous waste waste stream. It is a very
25 significant part.

1 So we're proposing to combine these two
2 conferences, number 1, for the efficiencies that it would
3 create both for staff and for the local attendees -- the
4 local government attendees.

5 But perhaps even greater than that, we feel that
6 the combined conference could still achieve the goals and
7 benefits from both conferences in a little bit of a more
8 synergistic atmosphere. The attendees are often the same,
9 although sometimes a little bit different depending on the
10 size of the local government. We've seen that we would
11 like to encourage more of that communication between the
12 people that might be doing one aspect of the program and
13 the other. Since so many of the issues are interrelated,
14 we think that a great deal of benefit can occur from the
15 communication and the synergy that would happen from
16 putting the two conferences together.

17 So with that background, what we've done in the
18 past is that the Board approved in October, under the used
19 oil allocation item, the allocation of \$65,000 for the
20 used oil forum. What we're asking for today is to
21 allocate an additional \$45,000, for a total of \$110,000
22 and to approve the specific scope of work.

23 The contractor for the conference would do the
24 tasks that you might associate with a typical contract
25 conference coordinator, securing a facility for the event.

1 And of course they would have the limitation that only
2 facilities that encourage reuse, recycling, procurement of
3 recycled content products, and energy-efficient operations
4 would be considered.

5 But the contractor would secure the facility, do
6 all the logistics, coordinate speaker participation, the
7 registration materials that would go up on our website as
8 well as DTSC's website, coordinate that registration,
9 coordinate vendor participation, which is a very big part
10 of both conferences. Also to develop of course a program
11 guide which we also now put on the website to reduce
12 waste. And we only produce hard copies upon request. And
13 also to complete an evaluation of the forums. So I think
14 you all have a copy of those tasks and the scope of work.
15 And this was presented to advisors.

16 The HHW Conference has been unique in that local
17 governments are the attendees and are also the people that
18 really determine what they want as far as content. So we
19 have a very good involvement of local governments in a
20 program committee. The conference contractor would have
21 to facilitate these conferences calls and work with the
22 program committee or the local governments to ensure that
23 the attendees get what they want out of the conference and
24 what's on the agenda. So that would also be part of the
25 scope of work here.

1 We have two items, therefore. Item 45, or
2 Committee F, is the consideration of this increased
3 allocation, with the additional 45,000 and approval of the
4 scope of work. And then agenda Item G, or 46, proposes
5 the contractor as California State University Sacramento,
6 who has also done these conferences for us in the past.

7 Both of these would also go on to the Budget
8 Subcommittee tomorrow.

9 Are there any questions before --

10 CHAIRPERSON MEDINA: So instead of two
11 conferences, we would have one combined conference?

12 MS. WILLD-WAGNER: That's correct. And we were
13 looking at February or March of 2004.

14 CHAIRPERSON MEDINA: And would that be held in
15 Sacramento?

16 MS. WILLD-WAGNER: This one would be held
17 actually -- in 2004 it would be in southern California.
18 It would alternate again. The northern California is next
19 month -- in March, in two months. So we're going to be up
20 here this year, in 2003. So we would be down in southern
21 California next year.

22 CHAIRPERSON MEDINA: Okay. Board members, any
23 questions?

24 Board Member Jones.

25 COMMITTEE MEMBER JONES: Just one.

1 By this combination, even though we're
2 supplementing this original contract, there should be a
3 savings somewhere, right, that I didn't -- because you're
4 not going to have to fund the HHW or -- you've got an oil
5 conference and a hazardous waste conference. We're
6 supplementing the household hazardous waste contract,
7 right?

8 MS. WILLD-WAGNER: We're supplementing the Used
9 Oil Forum Contract Concept actually.

10 COMMITTEE MEMBER JONES: So we're saving -- even
11 though we're adding 45,000, there's got to be a net
12 savings by this combination --

13 MS. WILLD-WAGNER: There is a -- there's a
14 savings as far as staff time and coordination efforts with
15 the two different conferences. But we haven't been paying
16 just an outright allocation for the HHW conference in the
17 past other than -- we pay for certain things. There will
18 be a savings in several difference ways.

19 We pay for the various aspects such as printing
20 of the conference brochures, we pay for staff time. In
21 the past we've dedicated about a half a PY to coordinate
22 that conference for a lot of the logistics. So there'll
23 be those kinds of savings. We don't have in the Used Oil
24 Fund allocation an outright \$50,000 allocation for
25 coordination of the HHW conference.

1 COMMITTEE MEMBER JONES: Okay.

2 MS. WILLD-WAGNER: But there is a net savings.

3 COMMITTEE MEMBER JONES: There is a net savings?

4 MS. WILLD-WAGNER: Yes.

5 COMMITTEE MEMBER JONES: So the supplement is
6 really going to show a savings?

7 MS. WILLD-WAGNER: Yes.

8 COMMITTEE MEMBER JONES: Okay.

9 CHAIRPERSON MEDINA: Mr. Lee.

10 DEPUTY DIRECTOR LEE: Well, again, I think I was
11 just going to reiterate some -- or amplify some of
12 Shirley's remarks.

13 We expect, you know, fiscal savings with regards
14 to the expenses that the grantees have for attending two
15 conferences. Before they were attending two. You know,
16 we allowed block grant funds to be used for both. Now
17 they only have to attend one conference, so there's, you
18 know, money savings with that.

19 COMMITTEE MEMBER WASHINGTON: How much, Mr. Lee,
20 in block grants did you guys provide for the attendees?

21 DEPUTY DIRECTOR LEE: Usually we allowed a
22 minimum of two participants. You know, that's their
23 travel expenses. You know, for each applicant we have
24 some 250, you know, block grant jurisdictions. We allow
25 more participants, you know, if the jurisdictions are

1 larger and can represent that they need more
2 participation. You know, so there is -- you know, by
3 combining the conferences there is that opportunity for --

4 COMMITTEE MEMBER WASHINGTON: So Mr. Jones is
5 right then, there should be a significant savings in that
6 area, because then, that way they don't come to two
7 conferences, they only come to one conference.

8 MS. WILLD-WAGNER: That's correct. And I didn't
9 specify that hard cost.

10 COMMITTEE MEMBER WASHINGTON: Yeah, that's a real
11 savings.

12 DEPUTY DIRECTOR LEE: Yes, there is a definite
13 savings there. But the main thing we wanted to get across
14 is it's going to be a big savings in the staff time as
15 well in coordinating two conferences. And we feel we can
16 use the time more productively in other areas.

17 CHAIRPERSON MEDINA: Board Member Paparian.

18 COMMITTEE MEMBER PAPARIAN: Yeah, a couple
19 follow-up things there.

20 If you were doing the two conferences
21 individually, would the budget number that we see be
22 higher than what we see on this paper?

23 MS. WILLD-WAGNER: Would the combined budget
24 number be higher than this --

25 COMMITTEE MEMBER PAPARIAN: Yes.

1 MS. WILLD-WAGNER: Yes. Well, it just hasn't
2 been displayed that same way in the past. It would still
3 be probably the \$65,000 for the oil forum. And I can't
4 give you the actual hard cost because we haven't
5 calculated like the grantees' attendance yet for the HHW
6 conference.

7 COMMITTEE MEMBER PAPARIAN: What I'm getting at
8 is -- what Mr. Jones I think was getting at was --
9 understandably there's a cost savings, there's staff time
10 savings and so forth. It feels like there ought to be a
11 dollar savings. If you took the two conferences
12 individually, the combined conference should be less than
13 adding up the cost of the two conferences.

14 MS. WILLD-WAGNER: Part of this goes to -- if I
15 can just explain for a moment about how the HHW conference
16 has been done in past. We haven't had the large dollar
17 contributions because Department of Toxic Substances
18 Control and our Board have dedicated one or more, you
19 know, full-time staff to coordinating the conference.
20 They don't have that position allocation anymore, and we
21 don't either, to really do this full-time conference.

22 Also, the HHW conference is, as I said, unique in
23 that local governments are very involved. So we would
24 still count on them to be doing a lot of the coordination
25 and program planning. But that's why it hasn't actually

1 been an allocation in our oil fund and our budget. But
2 you haven't seen a line item for HHW conference. We've
3 done hard costs, as I said, as far as printing the
4 brochures, paying for speaker presentations, and things
5 like that. But we haven't had a total dollar allocation.
6 We could come up with probably that figure for you by the
7 Board meeting, if you'd like.

8 CHAIRPERSON MEDINA: If you can do that.

9 COMMITTEE MEMBER PAPARIAN: Yeah. And I think
10 maybe we might explore this a little bit more tomorrow too
11 in the Budget Committee. I'll take another look at this
12 between now and then too.

13 One thing I also wanted to just add. Looking
14 through the scope of work, there was some very good stuff
15 in there about green meetings, about assuring that the
16 facilities we use, you know, are dedicated to recycling
17 the materials that are there and so forth. And I think
18 that that's important in the work that we do to show that
19 we'll put our dollars where our policies are and assure
20 that the facilities that we use are up to snuff when it
21 comes to recycling and other factors.

22 MS. WILLD-WAGNER: Good.

23 CHAIRPERSON MEDINA: Very good.

24 So, Board members, any recommendations on this
25 item?

1 COMMITTEE MEMBER JONES: Mr. Chair.

2 CHAIRPERSON MEDINA: Yes.

3 COMMITTEE MEMBER JONES: I'll move adoption of
4 Resolution 2003-07, consideration of allocation to
5 supplement the 2004 Used Oil Conference Contract, to add
6 the HHW waste to the conference, and consideration of
7 scope of work for the 2004 Used Oil and Household
8 Hazardous Waste Conference Contract 2002-3, Oil Fund
9 Concept 0-32.

10 COMMITTEE MEMBER WASHINGTON: Second.

11 CHAIRPERSON MEDINA: Resolution 2003-07 has been
12 moved by Board Member Jones, seconded by Board Member
13 Washington.

14 Substitute the previous roll?

15 And this will go on Committee consensus.

16 COMMITTEE MEMBER JONES: Mr. Chair.

17 CHAIRPERSON MEDINA: Board Member Jones.

18 COMMITTEE MEMBER JONES: I'll move adoption of
19 Resolution 2003-06, consideration of the contractor for
20 the 2004 Used Oil Recycling and Household Hazardous Waste
21 Conference Contract 2002-3, Oil Fund Concept Number O-32.
22 And it was -- did you guys say Sac State?

23 MS. WILLD-WAGNER: Yes.

24 COMMITTEE MEMBER JONES: Yeah, Sacramento State,
25 CSUS.

1 CHAIRPERSON MEDINA: Is there a second?

2 COMMITTEE MEMBER WASHINGTON: Second.

3 CHAIRPERSON MEDINA: Resolution 2003-06 has been
4 moved by Board Member Jones, seconded by Board Member
5 Washington.

6 Substitute the previous roll on this?

7 And this will go on Committee consensus.

8 DEPUTY DIRECTOR LEE: Chairman Medina, we've got
9 a note on that, whether or not the Committee is
10 recommending fiscal consensus?

11 CHAIRPERSON MEDINA: Yes, this will go on -- if
12 there's a dollar amount involved, it will go on fiscal
13 consensus.

14 DEPUTY DIRECTOR LEE: Could I also ask in the
15 previous motion -- I guess it was Item E, the
16 consideration of the contractor, again was that fiscal
17 consensus the Committee was recommending?

18 CHAIRPERSON MEDINA: Yes.

19 DEPUTY DIRECTOR LEE: Thank you.

20 Okay. Item 47, Committee Item H, is
21 consideration of emergency regulations to specify the
22 amounts for the imposition of administrative civil
23 penalties against waste and used tire haulers.

24 Wendy Breckon of the Legal Office will make this
25 presentation.

1 STAFF COUNSEL BRECKON: Good morning. I'm Wendy
2 Breckon, Staff Counsel with the Legal Office.

3 (Thereupon an overhead presentation was
4 Presented as follows.)

5 STAFF COUNSEL BRECKON: I'm here to discuss
6 adoption of the emergency regulations for tire haulers.

7 SB 876 basically amended PRC 42962(c) and changed
8 the maximum penalty that can be imposed from 5,000 -- or,
9 excuse -- from \$1,000 to \$5,000. It also stated that the
10 Board shall adopt procedures and amounts for the
11 imposition of administrative civil penalties. Current
12 regulations state that the maximum amount of penalties
13 that we can impose is \$1,000.

14 So staff has proposed the Penalty Schedule
15 Attachment 1. If you'd take a look at that, there's two
16 tables. The first table basically sets out a number of
17 violations and sets out a discretionary amount that can be
18 charged per violation based on whether there's one
19 offense, two offenses, or three offenses.

20 The second table is for unregistered tire
21 haulers. And again the amount is determined based on the
22 number of offenses as well as the amount of tires that are
23 hauled.

24 The range of penalties for tire hauler violations
25 is modeled -- oh, gosh. Sorry about that.

--o0o--

1
2 STAFF COUNSEL BRECKON: The range of penalties
3 for tire hauler violations is modeled on the methods
4 proposed for the tire facility penalties.

--o0o--

5
6 STAFF COUNSEL BRECKON: The advantages of the
7 proposed penalty schedule is that there's a greater degree
8 of predictability for the regulated community, and it
9 allows more time -- more efficient and timely prosecution
10 of violations.

11 So today the options we're asking you to decide
12 are:

13 To adopt the emergency regulations, specify the
14 amounts of administrative penalty based on the type of
15 violation and the level of culpability for the tire hauler
16 violation as outlined in the tables in Attachment 1, or
17 specify changes to Attachment 1.

18 Or direct staff to adopt emergency regulations to
19 revise the maximum penalty in this section to be \$5,000
20 consistent with the statute.

21 Or provide other direction to staff.

22 At this time I'd like to take your questions.

23 CHAIRPERSON MEDINA: Okay. Thank you.

24 Board members.

25 Board Member Jones.

1 COMMITTEE MEMBER JONES: Thanks, Mr. Chair.

2 So you're saying that Penalty Table 1 is for
3 registered haulers?

4 STAFF COUNSEL BRECKON: Actually I believe that
5 could be used for both registered and unregistered
6 haulers. It's just -- you know, if somebody -- if a
7 hauler hauls tires and violates, for example -- let's look
8 at the first one: "Tire hauler transporting waste tires
9 to a nonpermitted facility," and if it's their first
10 offense, they can be charged \$1,000 to \$3,000.

11 However, the second table is just for
12 unregistered haulers. That's for when they don't have a
13 registration, they're hauling tires. And we can charge
14 them, for example, on the third offense, if they're
15 hauling 10 tires, anywhere from \$1,000 to \$1,750.

16 COMMITTEE MEMBER JONES: Okay. I'm not so much
17 worried about the guy that's hauling 10 tires. But, you
18 know, I'm more worried that -- the last one of those
19 tables, more than a hundred tires per load, for \$1,000 and
20 \$2,000 the first load, that's probably reasonable. You
21 know, I guess they're reasonable for the unregistered.

22 But I think the registered haulers, which is how
23 I understood that first penalty table to be --

24 STAFF COUNSEL BRECKON: Okay.

25 COMMITTEE MEMBER JONES: -- when we look at

1 the -- well, there's a couple. The second one, which
2 would be 42952(b), where they're falsely representing that
3 they're a registered tire, that means they're showing a
4 placard that's been -- that's counterfeit, basically,
5 right?

6 STAFF COUNSEL BRECKON: Right.

7 COMMITTEE MEMBER JONES: I think those should be
8 increased, because that shows intent to defraud, right?

9 STAFF COUNSEL BRECKON: Correct. So do you have
10 an amount that --

11 COMMITTEE MEMBER JONES: I think you could double
12 each one, in my view. You know what I'm saying, is
13 that -- you know, that's somebody that's --

14 COMMITTEE MEMBER WASHINGTON: That would probably
15 work with all these registrations, because for me it seems
16 like they're defrauding when you talk about the
17 registration card and decal should be carried affixed to
18 the corresponding vehicle.

19 COMMITTEE MEMBER JONES: Exactly.

20 STAFF COUNSEL BRECKON: So what you're saying, if
21 they don't keep the decal in the right hand of the
22 windshield, but if they keep it somewhere else, you're
23 saying that we should --

24 COMMITTEE MEMBER WASHINGTON: Yeah, where is it
25 supposed to go?

1 STAFF COUNSEL BRECKON: It's supposed to go in
2 the lower right-hand corner of the windshield. But
3 they --

4 COMMITTEE MEMBER WASHINGTON: So if it's not
5 there, then they're in violation. It's just like now when
6 you have a -- in the Legislature we passed a bill that
7 says you have to show your decal if you're handicapped.
8 And people who park in handicapped spots even though
9 they're handicapped, they still get a ticket on their car
10 because they don't have the decal.

11 CHIEF COUNSEL TOBIAS: I think it's important to
12 make a distinction between negligence and intention to
13 defraud. You know, I think that if the fines are too high
14 in comparison to the other types of fines, that the judges
15 may say that these are too high. So while I don't have
16 any problem with especially -- I think Mr. Jones's comment
17 on 42952(b) is a good one. And I think that that's where
18 you have a false representation, I think we could
19 certainly double that. You've got some intent there.

20 I would be somewhat concerned -- and I think what
21 we could do is continue this discussion, but we could also
22 take this item forward to the Board, so we could do some
23 work on it in the next couple days based on your
24 discussion today. But I think where you've got -- I think
25 you have a very good point, Mr. Washington, about, you

1 know, the handicapped parking if you don't have that on
2 there.

3 What we'll do is look at a couple of the other
4 programs that require you to have decals, and look at what
5 the sanctions are for that.

6 But especially the first year, I don't know that
7 we want to -- where that's a negligence, you know, it's
8 careless, that's something that somebody's clearly not
9 doing what they're supposed to do. But I don't know
10 that -- I think we'd need some basis there to show that
11 there was an intent to defraud.

12 So what you might want to do or consider is that
13 that first offense might be a low one. If you have a
14 second offense of the same person, then clearly they're
15 not so negligent anymore. Then you've got some kind of
16 intent.

17 COMMITTEE MEMBER JONES: Right. And that makes
18 sense to me. And I think that, you know, if -- but I
19 would like to see that 1B, because that is defraud.

20 CHIEF COUNSEL TOBIAS: Yeah, I think that's a
21 very good point.

22 COMMITTEE MEMBER JONES: And then I'd like to
23 just get one thing --

24 CHAIRPERSON MEDINA: Excuse me, Board Member
25 Jones. In regard to that Item B and regard to the dollar

1 amounts, would you like to state specific dollar amounts
2 so that we can have it on the record?

3 COMMITTEE MEMBER JONES: Yeah, I'm thinking we
4 could double.

5 Is that okay with you?

6 CHAIRPERSON MEDINA: Yes. So first offense would
7 be \$2,000 and second offense would be \$4,000.

8 COMMITTEE MEMBER JONES: And the third offense
9 could only go to \$5,000.

10 CHAIRPERSON MEDINA: Okay, \$5,000 on the third
11 offense. So we'll make that correction.

12 And then we'll take Mr. Washington's
13 recommendation also under consideration, and legal counsel
14 will work on that one.

15 CHIEF COUNSEL TOBIAS: So that's 42956, the
16 certificate and a decal. So it sounded like everybody was
17 okay where it's a small fine initially, but the second
18 offense might jump to \$2,000, \$3,000?

19 Any guidance there, 2, 3 --

20 COMMITTEE MEMBER WASHINGTON: I think double, the
21 same thing.

22 Yeah, 2 and 3.

23 CHIEF COUNSEL TOBIAS: Two?

24 Okay. And then -- so I assume that the third
25 offense would be more like \$5,000?

1 COMMITTEE MEMBER WASHINGTON: Correct.

2 CHAIRPERSON MEDINA: Board Member Paparian.

3 COMMITTEE MEMBER PAPARIAN: That's all fine with
4 me.

5 CHAIRPERSON MEDINA: Yes, go ahead.

6 COMMITTEE MEMBER JONES: Just one more question.

7 This is a guide for administrative law judges.

8 This is not our -- is this our staff issuing these fines?

9 STAFF COUNSEL BRECKON: Well, we issue the
10 administrative complaint. And that would, you know, ask
11 for a certain amount of fine. And then when the hauler
12 asked for a hearing, it went to the judge. And the
13 administrative law judge would determine the amount of
14 fine based on the guidance in the regulations.

15 COMMITTEE MEMBER WASHINGTON: So he asks you is
16 there any discretion then?

17 STAFF COUNSEL BRECKON: Correct, based on the
18 range that we gave him. We're limiting the discretion
19 that the judge has.

20 CHIEF COUNSEL TOBIAS: We're limiting the
21 discretion the judge has to a certain extent. On the
22 other hand the judges have also asked for some guidance
23 from the Board. They would like to know so that they have
24 something consistent across the board. As you may know or
25 recall, we go to ALJs across the State. And so, you know,

1 the people in L.A. want to know that they're basically
2 assessing the same fines as San Francisco or Sacramento or
3 San Diego.

4 CHAIRPERSON MEDINA: Before I take a motion on
5 this, I think that -- from my perspective, these emergency
6 regulations are needed. This is a first attempt on having
7 a penalty structure. In the past decisions for penalties
8 on haulers did not have a structured format. So I think
9 the penalty was decided on each specific case depending on
10 the players. And as a result of our action today, staff
11 would be able to follow a structure. So I think that's
12 good.

13 With that --

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

15 CHAIRPERSON MEDINA: Yes.

16 COMMITTEE MEMBER WASHINGTON: I'd like to move
17 adoption of Resolution 2003-67, consideration of adoption
18 of emergency regulations to specify the amounts for
19 imposition of administrative civil penalties against waste
20 and used tire haulers.

21 COMMITTEE MEMBER JONES: I'll second.

22 COMMITTEE MEMBER PAPARIAN: Mr. Chairman, just as
23 a --

24 CHAIRPERSON MEDINA: Board Member Paparian has a
25 question.

1 COMMITTEE MEMBER PAPARIAN: -- a procedural
2 question.

3 With what we've done today, don't we have to go
4 back up for a comment period; or because they're emergency
5 regs, can we just go ahead?

6 CHIEF COUNSEL TOBIAS: Because they're emergency
7 regs, we'll be moving ahead.

8 COMMITTEE MEMBER PAPARIAN: Okay.

9 CHAIRPERSON MEDINA: Okay. Resolution 2003-67
10 has been moved by Board Member Washington, seconded by
11 Board Member Jones.

12 CHIEF COUNSEL TOBIAS: Chairman Medina, may I
13 clarify something? I'm sorry.

14 CHAIRPERSON MEDINA: Yes, certainly.

15 CHIEF COUNSEL TOBIAS: Because these emergency
16 regs, they will be eventually coming back to the Board
17 again. We'll be adopting these, sending them to OAL. But
18 then we will be coming back with a set of regs that will
19 look substantially like this.

20 Can I just ask -- I had said that I'd bring this
21 back to the Board, but it sounds like we've got the
22 clarification. Would you like to see this at the Board
23 meeting next week? Which is fine. Or are you fine with
24 these changes, that this would just go forward to the
25 Board for consent?

1 COMMITTEE MEMBER PAPARIAN: The Board has to --
2 because it's adoption of regulations, doesn't the Board
3 have to vote on them anyway? So the Board will see them.

4 CHIEF COUNSEL TOBIAS: The Board will see them.
5 But I'm talking about, do you want it on consent, or would
6 you like to have another discussion once you see this
7 chart changed? Since we got specific changes from you, I
8 thought it might be okay. But we're certainly willing to
9 go to the Board on just a regular item too. I just wanted
10 to clarify --

11 COMMITTEE MEMBER PAPARIAN: Do we adopt
12 regulations on consent? I'm not sure we've done that.

13 CHIEF COUNSEL TOBIAS: We're not.

14 Well, what Julie is saying is that normally with
15 regulations, when we go forward to the final adoption, we
16 have a CEQA component. And so that has to -- that doesn't
17 go on consent.

18 We'd be doing these on an exemption under CEQA,
19 so you don't have quite the same situation.

20 For consistency, let's just take it forward to
21 the Board and have a regular vote on it, and then we won't
22 be --

23 COMMITTEE MEMBER WASHINGTON: Not only that, I
24 think it gives the public an opportunity to see what those
25 regulations will be and what the fines are and --

1 CHIEF COUNSEL TOBIAS: That would be fine.

2 Thank you.

3 CHAIRPERSON MEDINA: Okay. This matter will be
4 moved to the full Board.

5 So there's no action on the resolution at this
6 time; is that correct?

7 COMMITTEE MEMBER JONES: Mr. Chair?

8 CHIEF COUNSEL TOBIAS: You can move it as you
9 usually do.

10 COMMITTEE MEMBER JONES: You know, I'd like to --
11 I think there was a motion. We ought to at least tell the
12 Board that we were a 4-0 vote or 3-1 or -- did we take a
13 vote? I don't even know if we did.

14 COMMITTEE MEMBER PAPARIAN: Not yet. No, we
15 just --

16 COMMITTEE MEMBER JONES: And that way the Board
17 knows.

18 CHAIRPERSON MEDINA: Okay. The Resolution
19 2003-67 was moved and seconded.

20 Substitute the previous roll call.

21 And this will go up for the full Board for
22 discussion.

23 And with that we're -- before we go on to the
24 next item, we are going to take a 10 minute break.

25 (Thereupon a recess was taken.)

1 CHAIRPERSON MEDINA: Okay. If you'd call the
2 next item please.

3 DEPUTY DIRECTOR LEE: Thank you, Chairman Medina.

4 Item 48, Committee Item I, is consideration of
5 contractor for the remediation services at the Tracy Tire
6 Fire Site.

7 Todd Thalhamer will make the presentation.

8 MR. THALHAMER: Good morning.

9 I'm going to quickly summarize the item in
10 interests of time. Basically we're proposing the
11 California Integrated Waste Management Board approve SUKUT
12 Construction for the remediation of the Tracy Tire Fire
13 Site.

14 In summary, basically we've stated before, on
15 August 7th, 1998, the tire fire at the Royster Tire
16 Facility, which was also called the Tracy Tire Site
17 located in Tracy, was ignited. In October of 2000, the
18 Board approved funding for approximately \$360,000 to
19 extinguish the Royster tire fire. In March 20th, 2001,
20 Board approved a five-year plan allocating funds for the
21 long-term remediation of the site; 2002, January, we
22 approved a scope of work, which basically included the
23 removal of approximately 50,000 cubic yards of hazardous
24 waste and 30,000 to 40,000 cubic yards of contaminated
25 soil.

1 The selection process was pursuant to the RFQ
2 process. Basically staff is recommending the Committee
3 approve Option 1 and adopt Resolution 2003-8.

4 If you have any questions or concerns, I'm
5 available for questions.

6 CHAIRPERSON MEDINA: Before we proceed on this
7 item, Board members, any ex partes?

8 Board Member Washington, any ex partes?

9 COMMITTEE MEMBER WASHINGTON: None.

10 CHAIRPERSON MEDINA: Board Member Jones?

11 COMMITTEE MEMBER JONES: Oh, John Cupps. I'm
12 sure we talked about something.

13 CHAIRPERSON MEDINA: Board Member Paparian?

14 COMMITTEE MEMBER PAPARIAN: None.

15 CHAIRPERSON MEDINA: And none for me.

16 Any discussion on this item, Board members?

17 COMMITTEE MEMBER WASHINGTON: Yes, Mr. Chair.

18 CHAIRPERSON MEDINA: Board Member Washington.

19 COMMITTEE MEMBER WASHINGTON: I'm looking at the
20 contract amount. Is that \$8 million?

21 MR. THALHAMER: Yes, sir.

22 COMMITTEE MEMBER WASHINGTON: And the \$8 million
23 for this -- and that's for this one specific site?

24 MR. THALHAMER: The one specific site, the Tracy
25 Tire Fire Site.

1 COMMITTEE MEMBER WASHINGTON: Can you briefly
2 describe what the \$8 million will pay for? I mean very --
3 I mean if you could do it pretty -- I got you.

4 All right. Go for it.

5 (Laughter.)

6 COMMITTEE MEMBER WASHINGTON: I like that.

7 MR. THALHAMER: Approximately 3 to \$4 million
8 will be used directly for transportation for disposal of
9 contaminated materials. That's the largest chunk of that.
10 One to \$2 million will be for the contract process of
11 actually loading the material into the transfers. We also
12 have in the neighborhood of about a million to a million
13 and a half of other site work, logistic work that will
14 have to be done. It's a former gravel pit, so there's a
15 lot of voids, gravel areas. And then the excavation of
16 paralytic oil.

17 At this particular point we don't know the depth
18 and the extent. It may be severe, so we've got some
19 budgetary abilities to look at that and contingency plans.

20 So that comes up to about \$7 million. And
21 there's probably in the neighborhood of about a million
22 dollars in contingency.

23 COMMITTEE MEMBER WASHINGTON: All right. Great.
24 Thanks.

25 CHAIRPERSON MEDINA: And where will the material

1 be transported to?

2 MR. THALHAMER: It will be transported to a Class
3 1 hazardous waste facility. Or it would be -- in
4 California. There's some unique classification processes.
5 It can go to Utah, and that would be considered a Class 2.
6 California has a little bit different classifications in
7 the State. We have to go out to bid, so I don't have the
8 location for that. But it would either go to Kettleman,
9 Button Willow, or there is a facility in Utah ECDC uses
10 that we can ship out by rail. Again, and we're going for
11 the price per ton, the lowest one -- selected facility.

12 CHAIRPERSON MEDINA: Okay. Board members, any
13 questions?

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

15 CHAIRPERSON MEDINA: Yes, Board Member
16 Washington.

17 COMMITTEE MEMBER WASHINGTON: I'd like to move
18 adoption of Resolution 2003-8, consideration of a
19 contractor for remediation services at the Tracy Tire Fire
20 Site, Tire Recycling Management Fund, Fiscal Year
21 2002-2003 through Fiscal Year 2005-2006.

22 COMMITTEE MEMBER JONES: I'll second.

23 CHAIRPERSON MEDINA: Resolution 2003-8 has been
24 moved by Board Member Washington, seconded by Board Member
25 Jones.

1 Substitute the previous roll?

2 And this will go on fiscal consensus.

3 MR. THALHAMER: Thank you.

4 DEPUTY DIRECTOR LEE: Item 49, Committee Item J,
5 is consideration of the contractor for the oversight of
6 civil engineering applications using waste tires/incentive
7 contract.

8 Civil engineering applications including use as
9 lightweight fill offer a potential use for some of the
10 estimated 9 million tires per year for which no,
11 quote-unquote, productive end use currently exists. In
12 2000 CalTrans used 660,000 tires as lightweight fill in
13 the construction of the Highway 880 Dixon Landing Road
14 Interchange, saving the State an estimated \$250,000.

15 As a prelude to presentation of Item J and with
16 the Committee's permission we would like to show an 8
17 minute video on this project, which we feel highlights the
18 worthwhile features of this and similar projects.

19 Stacey Patenaude will introduce the video and
20 present Item J.

21 MS. PATENAUDE: Thank you, Jim.

22 I've been asked many times if we believe we've
23 seen a change in CalTrans' acceptance of tire shreds in
24 civil engineering applications. This video was made by
25 CalTrans, their own funding. We had nothing to do with

1 it. And it is an actual documentary of the Dixon Landing
2 Project. I think it really shows a change in CalTrans'
3 acceptance and support of shredded tires in civil
4 engineering applications.

5 I'm going to let the video do most of the
6 talking. It's really good from start to finish on why --
7 how tire shreds are used in a civil engineering
8 application.

9 (Thereupon a video was played.)

10 MS. PATENAUDE: Before I present the item, if
11 there's any questions, I'd be happy to answer them.

12 CHAIRPERSON MEDINA: Any questions or comments,
13 Board members?

14 Board Member Jones.

15 COMMITTEE MEMBER JONES: Not a question, but just
16 for the sake of the new members in the public that doesn't
17 understand.

18 This project between -- I know you and Dana
19 Humphrey and the tire group worked really hard with
20 CalTrans to do this. But I think people need to know, we
21 had an issue in front of the Board where because of a --
22 because of a bankruptcy, the vendors that we got to
23 provide those things weren't being paid.

24 Stacey Patenaude ended up using that muscle to
25 make sure that people were made whole. And she worked

1 tirelessly on this thing, and you need to be congratulated
2 for really an incredible job. But I don't know how many
3 people know that it was your persuasion that got folks to
4 pay bills.

5 I know the vendors that we went out and found to
6 provide those shreds were glad to be paid.

7 But you did a really good job, you and Dr.
8 Humphrey and all that staff. So I thought for the benefit
9 of Mr. Washington and others, they needed to know that.

10 MS. PATENAUDE: Well, thank you. That's part of
11 the project I've tried to forget.

12 (Laughter.)

13 MS. PATENAUDE: It went well till then anyway.

14 For this item an RFQ was released. And we
15 received two statements of qualification, one from
16 Tetrattech Corporation and the BAS and Associates, which is
17 Brian A. Stirrat and Associates.

18 The SOQs were evaluated, scored, and both
19 companies were interviewed.

20 This contract is essentially the same as we used
21 to implement at the Dixon landing. You saw the IT
22 individual being interviewed. That was the construction
23 oversight assistance that we received from IT. And IT
24 also was our mechanism to purchase the material for
25 CalTrans.

1 After the interview, Brian A Stirrat was selected
2 as the contractor for this contract. And I would like to
3 make a recommendation that the Board approve the
4 Resolution 2003-9 for the award of this contract to Brian
5 A. Stirrat and Associates.

6 CHAIRPERSON MEDINA: Board members, any questions
7 or comments?

8 Or someone wish to move this item?

9 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

10 CHAIRPERSON MEDINA: Yes.

11 COMMITTEE MEMBER WASHINGTON: I move adoption of
12 Resolution 2003-9, consideration of a contract for the
13 oversight of the civil engineering application using waste
14 tires/incentive contract, Tire Recycling Management Fund,
15 Fiscal Year 2002-2003.

16 COMMITTEE MEMBER JONES: I'll second.

17 CHAIRPERSON MEDINA: Resolution 2003-09 has been
18 moved by Board Member Washington, seconded by Board Member
19 Jones.

20 Substitute the previous roll call on this item?

21 And before we move on, in '99 and 2000 I was
22 Director of CalTrans. I had an opportunity to review this
23 project and to support funding for it. And in fact I went
24 out there and I also made a video on that exact site. So
25 I'm glad to see it come through.

1 COMMITTEE MEMBER WASHINGTON: How many buckets
2 did you throw?

3 CHAIRPERSON MEDINA: No buckets.
4 (Laughter.)

5 CHAIRPERSON MEDINA: Next item.

6 DEPUTY DIRECTOR LEE: Mr. Chair, was that item
7 approved on consent?

8 CHAIRPERSON MEDINA: Yes, it was.

9 DEPUTY DIRECTOR LEE: Thank you.

10 Item 50, Committee Item K, consideration of a
11 scope of work for the engineering and environmental
12 services contract, tire recycling management fund, Fiscal
13 Year 2002-2003.

14 Stacey Patenaude will present this item.

15 MS. PATENAUDE: Thank you, Jim.

16 This item deals with the scope of work for the
17 new engineering and environmental services contract. Two
18 previous engineering services contracts have been awarded
19 over the last five years. Both of those to Dr. Dana
20 Humphrey from the University of Maine.

21 This contract is a key component to the success
22 of the Board's Civil Engineering Application Program.
23 This contract will be used to provide education design,
24 geotechnical assistance to local and state governments.
25 It will provide the engineering consultation and

1 construction management oversight for projects in which we
2 are involved with.

3 The contractor who is selected for this will also
4 be part of the steering committee for the engineering --
5 of the earthquake response bridge abutments constructed of
6 tire shreds, which is -- we have an interagency agreement
7 with the University of California at Davis to do that
8 study.

9 This scope of work will continue on with existing
10 work that is already in progress and that we have
11 committed to CalTrans to provide assistance with.

12 Staff would like to recommend that the Board
13 approve Option 1, which is approval of Resolution 2003-10
14 for this scope of work for the engineering and
15 environmental services contract.

16 CHAIRPERSON MEDINA: Thank you.

17 Board members, any questions, comments regarding
18 this item?

19 COMMITTEE MEMBER WASHINGTON: Yes, sir.

20 COMMITTEE MEMBER PAPARIAN: Yeah.

21 CHAIRPERSON MEDINA: Board Member Washington and
22 then Board Member Paparian.

23 COMMITTEE MEMBER WASHINGTON: The contractor is
24 from the University of Maine?

25 MS. PATENAUDE: Yes.

1 COMMITTEE MEMBER WASHINGTON: How did you get a
2 person from Maine? I mean not so much as how. But is
3 there an expertise that is --

4 MS. PATENAUDE: Dana is -- I guess by now Dana is
5 the world authority on tire shreds. Since we've been
6 working with him in the last five years, I can't think of
7 a continent that Dana hasn't been asked to go to to help
8 them with their tire problem. And we've actually been
9 very lucky over the last five years to have Dr. Humphrey
10 as our consultant and his expertise and his reputation.

11 COMMITTEE MEMBER WASHINGTON: Great.

12 CHAIRPERSON MEDINA: Board Member Paparian.

13 COMMITTEE MEMBER PAPARIAN: Yeah, it's kind of a
14 follow-up on that.

15 Given the requirements in the scope of work for
16 familiarity with the UC Davis work and some of the other
17 material in it, how many contractors do you think would be
18 qualified to bid on this contract?

19 MS. PATENAUDE: None. I base -- you're looking
20 at a contract -- it's a very specific focus of expertise.
21 And we chose to go out to bid as opposed to sole-source it
22 just because of the current contracting situation. But in
23 all the meetings I've had, the talks that Dr. Humphrey has
24 given, we have not run into another expert -- a
25 geotechnical engineer that has the expertise that Dr.

1 Humphrey has accumulated.

2 So there may be companies that have geotechnical
3 engineers and they may come forward and, you know, wish to
4 expand their expertise into this field. But as far as the
5 actual experience -- since we're continuing on with work
6 that we've been working on for five years, the steering
7 group and stuff, it's not beyond belief that a company
8 could come in and learn about this. But right now it's a
9 learning experience for pretty much everybody, it's so
10 new.

11 COMMITTEE MEMBER PAPARIAN: Okay. So if there's
12 only one potential bidder -- and from what I know, given
13 the way the contract is constructed, that's probably
14 right.

15 MS. PATENAUDE: Well, it doesn't stop other
16 companies from bidding.

17 COMMITTEE MEMBER PAPARIAN: Yeah, potentially
18 they could. But there's not many people with this -- when
19 you go through the background required in the scope of
20 work, it is kind of hard to imagine who else might be out
21 there.

22 How do we know we're getting a fair bid if -- I
23 mean the bidder probably knows that there aren't many
24 other people that can do this.

25 MS. PATENAUDE: All I can say is that Dr.

1 Humphrey is a professor, and we have not had a problem
2 with that as far as the payment. I mean it's a time and
3 services. It's his pay per hour for activities that we
4 ask him to do. It's not like \$500,000 is going to Dr.
5 Humphrey's account.

6 We ask him to review a report, say, for the
7 Sonoma tire piles. He reviews those and bills us per
8 hour. His hourly rate is actually less than most of our
9 engineering contractors that we have in the State of
10 California. So I wouldn't say that he -- you know, even
11 though he has a Ph.D. and his expertise, his salary does
12 not reflect an unacceptable price.

13 COMMITTEE MEMBER PAPARIAN: Okay. Presumably we
14 pay for his travel to California and so forth too?

15 MS. PATENAUDE: Yes.

16 COMMITTEE MEMBER PAPARIAN: And then -- I mean it
17 looks and feels like a sole-source contract to me.

18 MS. PATENAUDE: And there was -- it's pretty hard
19 until we start to develop the expertise in California --
20 and that's what we're trying to do. We've had other
21 consultants. We've gone to private individuals and given
22 six hour short courses. Slowly the industry is picking
23 up, you know, on this technology. But right now, short of
24 us going out and educating them, nobody else has picked up
25 and implemented these projects.

1 COMMITTEE MEMBER PAPARIAN: Have we gone to the
2 university to see if there's any portions of the 15 items
3 in the workplan that they might be able to do through an
4 interagency agreement?

5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

6 Excuse me. Could I ask a clarifying question?

7 Martha Gildart with the Special Waste Branch.

8 Are you concerned that we should be using a
9 sole-source process rather than a --

10 COMMITTEE MEMBER PAPARIAN: I am concerned about
11 the sole-source process when we're giving a half a million
12 dollars here -- this appears to be a sole-source contract
13 to me even though it's being put out as something else.
14 If it was a sole-source contract, I'd still be concerned.
15 And it appears to me it is a sole-source contract.

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 It does allow individuals, businesses to submit a
18 list of their qualifications if they feel they are
19 competitive and have the expertise in the areas outlined.
20 Now, if no one else submits such a response, then in a
21 sense it looks like a sole source. But the opportunity is
22 there, and that's the requirement. The difference between
23 either a bid or an RFP or an RFQ is that there's an
24 opportunity for anyone who does have that experience to
25 come forward.

1 We're willing to entertain that. You're asking
2 staff what they think the likelihood is of anyone actually
3 meeting those expectations. And I think staff is being
4 very honest in saying that there's probably no one else.
5 But we could always learn if there is someone.

6 COMMITTEE MEMBER PAPARIAN: I'm concerned that
7 maybe this was -- it's designed in a way that leads it to
8 be like a sole-source contract. If, for example, some of
9 the work required under this scope -- if this were three
10 scopes instead of one and you had divided up the work in
11 some way, it might be that there would be expertise in
12 California that could handle one of the three scopes, but
13 not the other two or two of the three scopes and not the
14 three. But when you put it all together, and in reading
15 this and reading the type of background that's required
16 for the bidder, it's hard to imagine that anybody else can
17 come forward.

18 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

19 One could go so far as to split it down into 15
20 or 20 different tasks. What we're looking for is someone
21 with the expertise to provide the assistance that we have
22 called upon in the past. We have asked for individuals to
23 conduct seminars because we're trying to spread that
24 expertise around the State. And California's probably one
25 of the slower states in adopting this technology.

1 We're trying to ask for someone who has the
2 engineering expertise to know what designs will work and
3 what may fail, what the past experience has been, and
4 whether it meets standards. You know, there's a range of
5 activities that we have been involved with in the last
6 five years, and that's what the scope of work reflects.

7 I believe that it is somewhat coincidental that
8 there's only one individual that we are now aware of with
9 those same ranges of skills. There may be some firm out
10 there that can answer this in addition.

11 CHAIRPERSON MEDINA: I think that Board Member
12 Paparlian, however, raises a valid issue, and that's
13 whether if this is a sole-source contract, we should not
14 have approached this as a sole-source contract. But given
15 the Oracle situation, I think there's certain activities
16 that you're all aware of --

17 EXECUTIVE DIRECTOR LEARY: And absolutely. In
18 fact that's -- but what's -- if I might chime in for two
19 seconds here.

20 CHAIRPERSON MEDINA: Yeah.

21 EXECUTIVE DIRECTOR LEARY: Again, just taking a
22 step back. This really is only just the scope of work at
23 this point. Although I know -- I think Mr. Paparlian's
24 concern is that we've written the scope of work in such a
25 way that we will ensure that only one contractor will be

1 successful in bidding on that scope of work. And I think
2 that's a fair observation, something we might want to
3 consider.

4 But there's also -- I don't know that we've in
5 any way shaped this to preclude the opportunity that teams
6 may be put together with expertise from various avenues or
7 various tasks involved in this scope of work that could
8 compete successfully with Dr. Humphrey or anybody else who
9 may bid on it.

10 MS. PATENAUE: And I'd like to add that the fact
11 that we have the engineering response abutment study,
12 there's an expertise that we could not get through Dr.
13 Humphrey. This was a seismic study that the University at
14 Davis had the expertise in. And we've got a number of
15 individuals as part of that steering team. And Dr.
16 Humphrey is just part of the team that deals with the
17 aspects of tires.

18 He's not a geotechnical engineer that specializes
19 in earthquakes. We have other individuals that specialize
20 in structures and earthquakes. And so there is an
21 activity that we actually went out to -- so it was a
22 separate scope that we went out to the University of
23 California at Davis.

24 We have other projects we hope to get to
25 eventually that we may be able to go to the university.

1 And we're looking at a water quality study that we --
2 actually I explored that last year to have the University
3 at Davis do a study for us to determine the impacts of
4 tire leachate on water quality.

5 We put -- unfortunately they put together a
6 package for us and it exceeded three quarter of a million
7 dollars for the study. And so we had to put that off
8 until future time we had the funding.

9 So we have gone to -- I guess you'd say that this
10 is one part of the civil engineering program. And we have
11 looked at the University of California to do other parts
12 of the civil engineering program. And this is just one
13 part of it. And I would anticipate that there's other
14 things that we will work with the university system on.
15 But as far as the experience dealing with tires and
16 applications that we're trying to promote, this is how I
17 wrote the scope.

18 It wasn't specifically written to -- this is very
19 similar to the scope we released five years ago for the
20 first one before we started working with Dr. Humphrey.
21 All I've done now is add in projects we're concurrently
22 working on. And at that time I think there was three
23 other consultants that applied. And Dr. Humphrey was the
24 only company that had actually ever built -- or individual
25 that had actually built projects.

1 COMMITTEE MEMBER PAPARIAN: And this is the
2 same -- I did raise this concern about two years ago with
3 the development of the five-year tire plan as well to try
4 to assure that we developed some expertise in California.

5 Let me ask another question. There's an
6 economics component to this in developing costs of
7 information for transportation, disposal and reuse of
8 tires.

9 MS. PATENAUDE: Um-hmm.

10 COMMITTEE MEMBER PAPARIAN: What's anticipated
11 there? We're looking to assist the staff in developing
12 some of the information on the economics of reuse of
13 tires? This is Item 4 in the tasks in the scope of work.

14 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

15 I believe that's a project-specific requirement,
16 to look at any proposed project and determine if it is
17 economically feasible within the, you know, environment?
18 Do we have someone able to produce those shreds at an
19 economical cost, and are they close enough that transport
20 to the site and that the conditions at the site don't
21 require additional safeguards or something? I would
22 assume it's a site-by-site assessment. I don't think it's
23 an overall evaluation of the technology in its entirety.

24 COMMITTEE MEMBER PAPARIAN: Okay.

25 CHAIRPERSON MEDINA: So Board Member Paparian, if

1 you're not comfortable with this --

2 COMMITTEE MEMBER PAPARIAN: I'm not --

3 CHAIRPERSON MEDINA: -- or are there some
4 recommendations you'd like to make?

5 COMMITTEE MEMBER PAPARIAN: Yeah, I'm sorry I
6 don't have specific recommendations. But I'm not -- it's
7 feeling like a sole-source contract to me. I'll take a
8 look at it between now and the Board meeting and see if I
9 believe there's some way to divide this up in to two or
10 three. But --

11 EXECUTIVE DIRECTOR LEARY: May I suggest
12 something? That maybe we could consider as staff as we
13 put the RFQ forward that we ask potential contractors to
14 feel free to state their qualifications in regard to
15 specific sub-tasks, that we're not necessarily seeking one
16 contractor to be successful in response to this RFQ.

17 In other words -- and I'm thinking out loud here,
18 so, you know, feel free to give me some feedback. But in
19 the interest of not necessarily precluding or biasing this
20 contract towards one contractor, that if contractors felt
21 that they could bid with an RFQ for specific tasks, and
22 that we as a result of those bids then subdivide or award
23 more than one contract as a result of this RFQ for various
24 portions of the scope.

25 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

1 That's possible. We would prefer that such a
2 group formed a team and had one bid for one contract so
3 that one contract manager could run that program. You
4 know, if there are individuals who have those skills, as
5 you're describing, then they could put their own team
6 together.

7 EXECUTIVE DIRECTOR LEARY: I'm just suggesting in
8 the interests of -- not encourage that so we don't
9 preclude other contractors from responding to various
10 portions of it or form teams to respond to this thing
11 comprehensively. And maybe in that way --

12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

13 Because it would be extremely difficult for a
14 staff to review a list of submittals and then have to pick
15 A and D and F and G and say, "Well, maybe if we put these
16 four together, it would be a coherent operation," and then
17 we have to contact them to see if they would agree to come
18 together under one contract or four contracts or work
19 together. I mean that to me raises a lot of
20 complications. Where if they could form their own teams
21 and submit that one response, then that would certainly be
22 a viable way to manage the program.

23 CHAIRPERSON MEDINA: Well, I think this is a good
24 opportunity to look at these scopes of work.

25 EXECUTIVE DIRECTOR LEARY: Absolutely,

1 absolutely. So we appreciate the issues Mr. Paparian
2 raises. And we will wrestle with this between now and the
3 Board meeting next week.

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 If there are any comments on the actual tasks
6 included, we would appreciate --

7 CHAIRPERSON MEDINA: I have two Board members
8 that wish to comment.

9 So Board Member Washington, then Board Member
10 Jones.

11 COMMITTEE MEMBER WASHINGTON: For Martha, while
12 you're there.

13 In terms of Dr. Humphrey has there been any
14 discussions with Dr. Humphrey in terms of his expertise in
15 training folks here in our university system?

16 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

17 He has conducted educational seminars on civil
18 engineering in the past. And we would continue to ask him
19 to do so if he were to win the bid on this particular
20 contract. So, yes, we are trying to build that up.

21 COMMITTEE MEMBER WASHINGTON: So his specific
22 expertise, he kind of passed that along to other folks?

23 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

24 Correct.

25 MS. PATENAUDE: Excuse me. But actually, as a

1 prerequisite to the -- we have an upcoming project with
2 CalTrans for the Route 91 interchange in Riverside, and
3 we've drafted a memorandum of understanding to agree to
4 supply material for that project. That was one of the
5 conditions I put with CalTrans is they need to start
6 developing this expertise themselves, and that I wanted
7 one person assigned to that project so that they could
8 start going through the whole process from start to
9 finish. Because up until now they've been relying on
10 myself and Dr. Humphrey to be out there when it came to
11 tires, and then they walked away from it.

12 And we didn't feel that this is something we
13 needed to do forever, that CalTrans could easily become
14 the experts in this material since they are going to be
15 the prime users of it. And that's what we've outlined for
16 this project, with the hope to develop the expertise
17 within CalTrans who will use this material.

18 COMMITTEE MEMBER WASHINGTON: Yeah, well, I think
19 you guys have some of the greatest minds, I think you can
20 come up with a plan. I certainly believe that Mr.
21 Paparian's on the right track in terms of sole-source --
22 I'll get it out in a second here.

23 MS. PATENAUDE: Sole source.

24 COMMITTEE MEMBER WASHINGTON: Yeah, that thing.
25 I believe that you guys have the minds to bring together a

1 mechanism where it doesn't look like a sole source --
2 whatever I'm trying to say -- that is, a single contract.
3 And I believe that you can do it. And I hope -- it's my
4 hope that you will come up with a way of addressing this
5 whole issue of the single person getting the contract.

6 CHAIRPERSON MEDINA: Okay. Board Member Jones.

7 COMMITTEE MEMBER JONES: Thanks, Mr. Medina.

8 I take a little different slant to this thing.

9 Everybody here -- and it's part of our strategic
10 plan that we want to be recognized as a leader both in
11 California, in the United States, and in the world. And
12 we have started to do those kinds of things with the
13 activities in our tire program.

14 One of the biggest reasons that we are achieving
15 any kind of acclaim is our relationship with Dr. Humphrey.
16 I've gone to conferences with Dr. Humphrey. I've watched,
17 and he tries to share his expertise. But why would we
18 want to dumb down? I saw a proposal by a company wanting
19 to use whole tires -- to landfill whole tires, and then
20 turn around and say that it was an engineered alternative.

21 This was one of the top engineering companies in
22 the world. And our staff, along with Dana Humphrey, tore
23 that proposal apart and said there is nothing that could
24 support you making an abutment with whole tires. There
25 has been no history of success. What that really was was

1 a cheap way to dispose of tires which were in violation of
2 our contracts.

3 That's the asset that we have. And I don't care
4 if it's Humphrey or Gray or who it is. We had Terry Gray
5 when I got to this Board and I thought a lot about
6 Terry -- I thought a lot -- and I still do. I consider
7 Terry Gray to be very good.

8 CHAIRPERSON MEDINA: I'm glad you clarified which
9 Gray that was.

10 (Laughter.)

11 COMMITTEE MEMBER JONES: Terry Gray. And -- oh,
12 I work for the other one, just like you.

13 (Laughter.)

14 COMMITTEE MEMBER JONES: And when Dana Humphrey
15 came along I saw a level of expertise that was
16 unbelievable. And while -- I don't care if he gets it or
17 Gray gets it or whoever gets it. I don't want to see us
18 tear down a scope of work and minimize our impact in the
19 world on tire stuff. We've come too far. And I mean
20 we've got to be thinking about -- if there's nobody at
21 Davis or nobody at Sac State that can do this work, well,
22 then that's too bad. None of these people come forward.
23 When we do our conferences and stuff and ask for guest
24 speakers, there's nobody that's got expertise. So why in
25 the heck do we want to dumb down to appease some need to

1 share. That doesn't make sense to me.

2 COMMITTEE MEMBER WASHINGTON: I think, Mr. Jones,
3 what it is is -- I think what we have to do is make sure
4 that, God forbid, something happens to Dr. Humphrey, that
5 somebody has that expertise. And so that's -- I think
6 that's more than anything, we have to make sure that we
7 still have somebody available to do it. And his expertise
8 in training other folks provides that assistance.

9 Now, we could continue to keep Dr. Humphrey, but
10 at the same time we want to make sure other folks have the
11 same expertise to do the job. And, you know, he might
12 retire and not want to do it anymore.

13 COMMITTEE MEMBER JONES: He likes California.

14 (Laughter.)

15 COMMITTEE MEMBER WASHINGTON: A lot of folks like
16 California. Too many.

17 COMMITTEE MEMBER PAPARIAN: And that's actually
18 part of my point. Two years ago I brought this up as an
19 issue. And I know that other agencies such -- the Energy
20 Commission has successfully worked with the University of
21 California to develop expertise in the energy area that
22 didn't exist previously in the University of California.

23 I think there's things that we could do if we
24 think creatively to help bring along either California
25 educational institutions or California consultants so that

1 they have some of this expertise that we can draw on in
2 the future.

3 I think it's -- it is something that ultimately
4 will benefit our programs immensely if we have folks
5 coming out of our university systems who have an inkling
6 of knowledge about the sorts of things that we're
7 promoting, that they can then take into their work life
8 and incorporate into their work life. And I think we as
9 the Waste Board could have a role in developing the sort
10 of programs and expertise in university systems that will,
11 you know, turn out folks that will be able to use that
12 expertise in their work lives.

13 COMMITTEE MEMBER JONES: Mr. Chair.

14 CHAIRPERSON MEDINA: Thank you, Board Member
15 Paparian. I think your points were all well taken.

16 Board Member Jones, would you like to move this
17 resolution?

18 COMMITTEE MEMBER JONES: What I'd like to ask
19 though is if -- if we want to educate people, which I have
20 no problem with doing, then why didn't we create another
21 contract and pay Dr. Humphrey and Terry Gray to come out
22 here and give a series of classes to the UC centers. And
23 I don't care who comes. That makes sense to me.

24 I've got no problem with that. I've gone to
25 every one of these tire conferences and sat there and

1 actually participated, as have other members. That would
2 make sense. I'd have no problem with that. But this is a
3 contract about specific projects that are coming down the
4 road that we're trying to get CalTrans and local
5 government to do.

6 So I see it as two different things. And I'd
7 absolutely support another concept of an educational
8 funding with paying whoever we get. I mean Dr. Humphrey,
9 Terry Gray, whoever you want to get, to educate the UC
10 system or any of those folks. I'd do that in a heartbeat.
11 That would be a good allocation of money. But this is
12 about specific jobs that we have in the State of
13 California for potential use of tire shreds.

14 And, you know, we either go with -- we put this
15 out and see who bids it and -- you know.

16 COMMITTEE MEMBER PAPARIAN: But I think we've
17 developed a list of specific jobs in a way that guarantees
18 this contract to a specific individual. I think if we had
19 constructed the list of jobs in a different way, it's
20 possible that we would have more than one qualified
21 bidder. And that concerns me. So I'm not going to be
22 ready to vote for this myself.

23 CHAIRPERSON MEDINA: Okay, Board members --

24 COMMITTEE MEMBER JONES: I'm going to move -- I
25 want to move adoption of Resolution 2003-10, consideration

1 of a scope of work for Engineering and Environmental
2 Services Contract, Tire Recycling Management Fund,
3 2002-2003.

4 CHAIRPERSON MEDINA: Okay. Board Member Jones
5 has moved Resolution 2003-10. Is there a second to this
6 resolution?

7 COMMITTEE MEMBER WASHINGTON: Second.

8 CHAIRPERSON MEDINA: Okay. Resolution 2003-10
9 has been moved by Board Member Jones, seconded by Board
10 Member Washington.

11 Call the roll please.

12 SECRETARY HARRIS: Washington?

13 COMMITTEE MEMBER WASHINGTON: Aye.

14 SECRETARY HARRIS: Jones?

15 COMMITTEE MEMBER JONES: Aye.

16 SECRETARY HARRIS: Paparian?

17 COMMITTEE MEMBER PAPARIAN: Abstain.

18 SECRETARY HARRIS: Medina?

19 CHAIRPERSON MEDINA: Aye.

20 Resolution 2003-10 has been moved by a majority
21 vote. This will now be on the consent calendar. And
22 it'll go before the full Board.

23 Next item, 51, has been deleted.

24 And we will next move to the Waste Prevention and
25 Market Development Deputy Director's report.

1 My intent is to adjourn this meeting at noon. So
2 if we can cover the upcoming items by that time, I'd
3 greatly appreciate it.

4 DEPUTY DIRECTOR WOHL: Good morning, Chair Medina
5 and Committee members. Patty Wohl from the Waste
6 Prevention and Market Development Division.

7 I have several things I wanted to report on this
8 morning, starting with PR 1133. And, that is, that the
9 South Coast Air Quality Management District just released
10 the latest revisions to a series of three rules on
11 composting and chipping and grinding. That will be
12 presented at the AQMD Board for adoption on January 10th.

13 I believe Linda Moulton-Patterson and Steve Jones
14 and others will be attending that meeting, along with my
15 staff.

16 As the rule currently stands, AQMD-inclined
17 flexibility is requested by CIWMB and has included these
18 flexibilities.

19 There are several rules. I won't go into all the
20 details. Maybe the most important being 1133.2, which is
21 the co-composting. And, that is, that facilities will be
22 required to post 80 percent emission reductions for new
23 facilities and 70 percent emission reductions for existing
24 facilities, for both VOCs and ammonias. This, however, is
25 considerably more flexible than the original proposal,

1 which was that it would all be in-vessel composting. So
2 we're pretty positive about that.

3 We'll be happy to bring back those results at the
4 next Committee meeting. Or I'm sure probably both Linda
5 Moulton-Patterson and Steve will report at the Board
6 meeting on that subject.

7 In addition, I wanted to mention that staff sent
8 out the plastic trash bag certification packets to
9 manufacturers and suppliers yesterday. The completed
10 certifications are due in March. The distribution list is
11 much expanded this year. Because we received a list of
12 companies from the Department of General Services who were
13 not allowed to bid on projects because they had not met
14 the minimum content rule or were not -- you know that we
15 have a list of those who don't meet it. So they -- it's
16 actually a real positive thing with -- I think in the past
17 we had 75 companies. This year we have 335 companies. So
18 it's a huge expanded list that we're going out to.

19 And then I have just a couple of staff issues or
20 personnel issues I wanted to mention; and, that is, that
21 we just recently promoted Mike Leao as the new supervisor
22 of the plastics recycling technology section.

23 I believe he's in the room, if he wants to stand.

24 (Applause.)

25 DEPUTY DIRECTOR WOHL: So we want to congratulate

1 him and welcome him to his new position.

2 In addition, Dana Papke, who's also in the room,
3 from our Sustainable Building Section, just recently
4 became a lead accredited professional. That is the
5 leadership in energy and environmental design. It's the
6 Green Building Rating System that's used nationally. I
7 believe there's only two State employees who have attained
8 this, both of them working at CIWMB. And Dana's the
9 second one. So I wanted to congratulate her on that.

10 (Applause.)

11 CHAIRPERSON MEDINA: Wonderful.

12 DEPUTY DIRECTOR WOHL: And with that, we'll move
13 into our agenda.

14 So I believe it's Agenda Item N, which is Item 52
15 in your Board book. Consideration of completion of the
16 1997-1999 rigid plastic packaging container, RPPC,
17 compliance agreements for the following companies.

18 And Jan Howard will present the item.

19 MS. HOWARD: Good morning, Board members. Jan
20 Howard with the Plastic Recycling Technology Section.

21 We have 17 companies this month that the Board
22 had previously adopted the compliance agreements for. And
23 before I move on with staff recommendations, I'd first
24 like to update you on the status of Briggs & Stratton and
25 Bix Manufacturing.

1 Briggs & Stratton based on corporate averaging
2 has demonstrated that it uses more than 22 percent
3 post-consumer resin and has indicated that it will be
4 purchasing compliant containers with 25 percent
5 post-consumer resin by February 1st, 2003.

6 Staff recommends to extend the agreement to July
7 31st, 2003, to allow the company to demonstrate the full
8 six months of compliance.

9 Staff is continuing to work with Bix
10 Manufacturing and will report on the status at the Board
11 meeting.

12 With that, staff recommends the Committee approve
13 the Adoption of Resolutions 2003-12, through 2003-15, and
14 2003-17 through 2003-28.

15 This concludes my presentation. And I would be
16 happy to answer any questions.

17 CHAIRPERSON MEDINA: Board members, any questions
18 or comments regarding this item?

19 If not, someone wishes to move this item?

20 COMMITTEE MEMBER JONES: Mr. Chair.

21 CHAIRPERSON MEDINA: Board Member Jones.

22 COMMITTEE MEMBER JONES: I'll move adoption of
23 Resolutions 2002- -- I'm sorry -- 2003-12 through 2003-15,
24 2003-17 through 2003-28.

25 COMMITTEE MEMBER WASHINGTON: Second.

1 CHAIRPERSON MEDINA: Okay. Resolution 2003-12
2 through 2003-15 has been moved by Board Member Jones,
3 seconded by Board Member Washington, as have Resolutions
4 2003-17 through 2003-28.

5 Call the roll.

6 Yes.

7 COMMITTEE MEMBER WASHINGTON: Mr. Chair, for
8 clarification, what happened to 2003-16?

9 CHAIRPERSON MEDINA: I don't know. That's a very
10 good question.

11 MS. HOWARD: I will provide the status of that
12 one at the Board meeting.

13 COMMITTEE MEMBER WASHINGTON: Okay. Thank you.

14 CHAIRPERSON MEDINA: Can we call the roll on
15 those items please.

16 SECRETARY HARRIS: Jones?

17 COMMITTEE MEMBER JONES: Aye.

18 SECRETARY HARRIS: Paparian?

19 COMMITTEE MEMBER PAPARIAN: Aye.

20 SECRETARY HARRIS: Washington?

21 COMMITTEE MEMBER WASHINGTON: Aye.

22 SECRETARY HARRIS: Medina?

23 CHAIRPERSON MEDINA: Aye.

24 Okay. Resolution 2003-12 to 2003-15 and 2003-17
25 through 2003-28 have been moved to Committee consensus.

1 Now, Item 2003-16 -- or Resolution 2003-16.

2 DEPUTY DIRECTOR WOHL: I think you'll have to
3 hear that at the Board meeting.

4 CHAIRPERSON MEDINA: Oh, okay. We will hear that
5 one at the Board meeting.

6 DEPUTY DIRECTOR WOHL: We'll have an update for
7 you.

8 CHAIRPERSON MEDINA: Okay.

9 DEPUTY DIRECTOR WOHL: So we'll move on to Agenda
10 Item 53.

11 CHAIRPERSON MEDINA: Before we do, I have two
12 speaker slips here, Tim Shestek and George Larson.

13 Are you speaking on this particular item?

14 MR. LARSON: Next item.

15 CHAIRPERSON MEDINA: Oh, okay. Very good.
16 Next item please.

17 DEPUTY DIRECTOR WOHL: Okay. Which is
18 consideration of scope of work for the post-consumer
19 resin, PCR, quality assurance and testing protocol
20 contract.

21 And Edgar Rojas will present.

22 MS. ROJAS: Good morning, Mr. Chairman and
23 Committee members.

24 This agenda item considers the scope of work for
25 the Post-Consumer Resin Quality Assurance and Testing

1 Protocol Contract.

2 The purpose of this contract is to develop a
3 quality assurance program that could be used as a model by
4 post-consumer resin suppliers in California. To do this,
5 the contractor would conduct a survey of post-consumer
6 processors in California, prepare quality assurance
7 guidelines for processing post-consumer plastics, propose
8 attesting protocol for post-consumer resins, evaluate the
9 effectiveness of the quality assurance guidelines and
10 testing protocol and prepare a report.

11 This survey will be used to determine the number
12 of post-consumer plastic processors in California that
13 have established quality assurance programs and also to
14 identify the most common quality challenges they face.

15 The guidelines will be used as a set of
16 procedures to implement successful quality assurance
17 programs. The testing protocols will provide specific
18 testing methods that post-consumer resin suppliers have
19 used as quality control procedures, especially those
20 needed for regulatory compliance and the ones that have
21 relevance to the end-use performance of final products.

22 In order to evaluate the effectiveness of the
23 quality assurance guidelines and the testing protocol, the
24 contractor shall first select three post-consumer resin
25 suppliers in California where quality programs have

1 occurred. Second, implement the proposed quality
2 assurance guidelines and testing protocols. And, third,
3 evaluate the effectiveness of both the quality assurance
4 guidelines and the testing protocol. And then combine the
5 three into three case studies, which will make a model
6 quality assurance program.

7 In other words, this contract will allow the
8 transferring of successful quality assurance experiences
9 to many post-consumer resin suppliers in California. The
10 implementation of the model quality assurance programs
11 would help to prevent the occurrence of post-consumer
12 resins non-conforming to purchasing specifications.

13 It should also include the image of post-consumer
14 resins meeting legal requirements make the use of
15 post-consumer resins in rigid plastic packaging containers
16 technically visible, ensure the performance of regulated
17 trash bags, and help the community with recycled content
18 claims consistent with the Federal Trade Commission
19 guidelines.

20 And, finally, facilitate end-user's acceptance.

21 The amount proposed to fund this item is only
22 \$25,000. And the source is the Integrated Waste
23 Management Account.

24 The Board has the following three options:

25 First, or number 1 option, approve the scope of

1 work for the Post-Consumer Resin Quality Assurance and
2 Testing Protocol Contract.

3 Option 2, approve the scope of work for the
4 Post-Consumer Resin Quality Assurance and Testing Protocol
5 Contract with specific modifications.

6 And, Option 3, take no action at this time and
7 refer the matter back to staff.

8 Staff recommends the Board to approve the scope
9 of work for the Post-Consumer Resin Quality Assurance and
10 Testing Protocol Contract and that the Board adopt
11 Resolution number 2003-29.

12 But before that, I would like you to please make
13 a change to the resolution. Instead of Resolution BCP
14 Number 15, it is Number 2. Not Number 15, but Number 2.

15 With this I conclude my presentation. And I
16 would be happy to respond to any questions.

17 CHAIRPERSON MEDINA: Okay. Thank you very much
18 for your presentation.

19 Board members, any comment or questions regarding
20 this item?

21 Board Member Washington, Board Member Paparian,
22 then Board Member Jones.

23 COMMITTEE MEMBER WASHINGTON: I had a question
24 for you. Edgar, I have a question for you.

25 How many post-consumers processors are there in

1 California?

2 MS. ROJAS: There are about 12.

3 COMMITTEE MEMBER WASHINGTON: Twelve?

4 MS. ROJAS: About 12.

5 MS. ROJAS: And they are all over the State of
6 California, or are they in specific --

7 MS. ROJAS: Mostly in southern California and in
8 the Bay Area. Very little in central California.

9 COMMITTEE MEMBER WASHINGTON: Okay. Thank you.

10 Thank you, Mr. Chair.

11 CHAIRPERSON MEDINA: Board Member Paparian, then
12 Board Member Jones.

13 COMMITTEE MEMBER PAPARIAN: Yeah, and maybe --
14 the witnesses might be able to address this as well.

15 The post-consumer -- the stuff we're talking
16 about, some of it will -- will it come from containers
17 subject to the Container Refund Program?

18 MS. ROJAS: Yes, I think so.

19 COMMITTEE MEMBER PAPARIAN: So the question I
20 have is: Should we in some way involve the Department of
21 Conservation in this work? Frankly, I'm not sure, and
22 that's why I'm -- I'd like the witnesses also to perhaps
23 respond to that in their testimony.

24 MS. ROJAS: In some way. But this is more than
25 rigid plastic packaging containers. They might also

1 include the plastics in electronics, E-waste
2 electronics --

3 COMMITTEE MEMBER PAPARIAN: Right.

4 MS. ROJAS: -- and some other type of plastics,
5 engineering, thermoplastics. It's not only the plastic
6 packaging containers. It's not only trash bags. It's
7 more than that.

8 MR. ORR: This is Bill Orr with the Recycling
9 Technologies Branch.

10 Just to maybe amplify on Edgar's comments. We
11 actually are scheduled to have a meeting with
12 representatives from the Department of Conservation next
13 week. We have sort of a laundry list of topics that we're
14 talking about, future collaboration and ongoing, sort of
15 overlap-type activities. And we would be happy to include
16 this as part of that agenda.

17 COMMITTEE MEMBER PAPARIAN: Yeah, I think it
18 would make sense. At a minimum, I wanted to make sure
19 we're not overlapping with anything they might be doing.
20 And, again, the witnesses may know more about what they're
21 up to from their work with them.

22 CHAIRPERSON MEDINA: Okay. With that, now, Board
23 Member Jones, any comments before I call on the speakers?

24 COMMITTEE MEMBER JONES: I think I'll wait till
25 after the speakers, Mr. Chair. Thanks.

1 CHAIRPERSON MEDINA: Okay. Thank you.

2 Again, Mr. Shestek.

3 MR. SHESTEK: Thank you, Mr. Chairman and
4 members. Tim Shestek with the American Chemistry Council.
5 We represent the U.S. Plastic Manufacturers.

6 Just really a point of information on this item.
7 And I'll try to address your question there, Mr. Paparian.

8 And I mentioned this to Mr. Orr prior to the
9 meeting. We're putting together an advisory panel of our
10 industry, of packaging experts and packaging designers,
11 primarily in the bottle market and in the rich container
12 market, those containers used to package food and beverage
13 items, hazardous materials, other consumer products,
14 really to serve as an advisory panel for our organization
15 and hopefully for folks here at the Integrated Waste
16 Management Board as well on technical issues, barriers to
17 using PCR in products.

18 So my hope really on this item and in future
19 items is to involve that group -- as we proceed to develop
20 that group, involve that group with this organization and
21 in the future policy projects and other applications and
22 other projects that the Board is involved in in terms of
23 plastics as we just move forward in implementing the
24 plastics white paper.

25 So really more of a point of information for the

1 Board, that this advisory group is coming together, real
2 technical experts that I think could serve as a good
3 resource to Board staff and to our industry as well as we
4 respond to new policy proposals, potential new rules or
5 partnerships that may come down the pike.

6 So really a point of information I wanted to
7 bring to the Board today.

8 And in terms of your question, Mr. Paparian, I
9 think the Department of Conservation may have a role in
10 this as it relates to the supply of material and possibly
11 generating new supply and increasing the supply of plastic
12 material that may be used in PCR applications.

13 But, yeah, that's my initial interest in the
14 actions that they've had, to have a role here. I'm not
15 sure what kind of staffing allotment they may have, but I
16 do potentially see them as a rule in trying to boost the
17 current supply of material that we think is currently
18 under-capacity right now.

19 Thank you.

20 CHAIRPERSON MEDINA: Okay. Thank you.

21 Mr. George Larson.

22 COMMITTEE MEMBER WASHINGTON: Mr. Chair, I have a
23 question for the witness.

24 CHAIRPERSON MEDINA: Yes, question, Board Member
25 Washington.

1 COMMITTEE MEMBER WASHINGTON: In terms of your
2 advisory board, how soon would that board be organized?

3 MR. SHESTEK: Hopefully --

4 COMMITTEE MEMBER WASHINGTON: I hear you're
5 saying we're putting it together.

6 MR. SHESTEK: Yeah, hopefully in the next couple
7 of weeks. We've been identifying our member companies,
8 their customers primarily. Our members manufacture
9 plastic resin, plastic pellets. They go into a variety of
10 different plastic products. Our customers have an
11 interest in new rules. Obviously they come down from the
12 Board here. And for implementation of the current Rigid
13 Plastic Packaging Container Program.

14 Hopefully in the next couple of weeks we'll have
15 that cross section of experts put together and --

16 COMMITTEE MEMBER WASHINGTON: Do you know the
17 amount of people that will be a part of this?

18 MR. SHESTEK: My sense, it'll be about five to
19 eight folks who can respond quickly and provide some
20 valuable input to what I think is an upcoming meeting on
21 the 23rd of January. So that's our target goal to have
22 that group together by then.

23 COMMITTEE MEMBER WASHINGTON: Thank you.

24 CHAIRPERSON MEDINA: Okay. Mr. George Larson.

25 MR. LARSON: Thank you, Mr. Chair, members.

1 George Larson representing the American Plastics Council.

2 I want to go into some specifics or a specific on
3 the scope of work itself. And I'm referencing on page
4 53-1 of the agenda item under the analysis section.

5 The first sentence very accurately notes that
6 "Most buyers" -- and I'm quoting, reading -- "Most buyers
7 of PCR consider inconsistent quality and supply the most
8 critical barriers they face."

9 Well, I know you only have \$25,000 to deal with.
10 And the focus of this study is to the second component of
11 that, which is the quality of the supply. It's been our
12 contention, and particularly under the plastic trash bag
13 program, that it is the supply side that is the critical
14 component. I think on various committees and your staff
15 who held those workshops I think would verify that
16 testimony was given that trash bag manufacturers in
17 particular want to secure this supply.

18 But there is insufficient supply in the
19 marketplace. In other words, the infrastructure to
20 collect the material exceeds the supply that's going into
21 that collection infrastructure.

22 So as you conduct this study, what I'm requesting
23 is that you -- when you study where the problems are for
24 quality control, that you study -- alter the scope of work
25 such that it reflects a percentage of all materials that

1 are recycled, so that we can get an idea of what is the
2 scope of the problem relative to quality control. In
3 other words, put another way -- and this goes to your
4 comment and question, Mr. Paparian -- a large -- the two
5 types of containers and the two resins that are recycled
6 most successfully here in California and throughout the
7 United States are number 1s, the PETs, which basically is
8 the soda bottle, and number 2s, which are the milk jug --
9 most commonly the milk jug.

10 There is not a serious problem on contamination.
11 And there is a huge demand for the number 1 PET, which is
12 used in recycled carpets, for example. And the number 2,
13 HDPE, is very much high in demand from a variety of
14 end-users like artificial or -- excuse me -- plastic
15 lumber from companies like Trex.

16 So there is a great demand for this material.
17 And what I'm concerned about is identifying these quality
18 control problems as a result of this study that will
19 reflect disproportionately on all of the, if you will,
20 successful recycling that's going on. So while you're
21 trying to identify where those problems are and develop
22 this protocol and criteria, I would like to see if it can
23 be expressed as a percentage. The problem -- there is a
24 certain percentage of the plastics where this is a
25 problem. There are other plastics where it is not a

1 problem. And have those volumes be reported also.

2 Thank you.

3 CHAIRPERSON MEDINA: Okay. Thank you, Mr.
4 Larson.

5 Board Member Jones.

6 COMMITTEE MEMBER JONES: Thank you, Mr. Chair.

7 I'm actually glad I waited until after the
8 testimony, because as much as I enjoy George and Tim --
9 you know, when the oil companies that are making the
10 plastic resin are going to put together four or five
11 people of their customers that use the virgin resin to
12 advise this Board as to what the problems are with the
13 first batch of resin that they put into a product and it
14 gets recovered and why they don't want to use it in the
15 next batch, that kind of scares me.

16 You know, personally I'm holding to what I had
17 said a couple of months ago, that I think we better start
18 exploring not just plastic bags or RPPCs, but we ought to
19 start looking at every kind of plastic packaging to
20 include recycled content and move that kind of legislative
21 proposal forward and find somebody that carries it to
22 start getting some recycled content into all of this
23 material that we see every day.

24 I have two problems and two things that I think
25 that we need to really be thinking about.

1 In meetings that I've had with folks they'll say
2 there is no problem. I mean we've got people that want
3 plastic and they can't get enough. Well, there's a piece
4 that misses out of there. They want it, but they don't
5 want to pay for it. It's real easy to say, "I got
6 capacity, but I only want to pay a penny," when the going
7 market needs to be 12 cents or 10 cents to pay for the
8 curbside collection program, to pay for the buy-back
9 redemption program.

10 That's the kinds of things that we hear every
11 day, that there's all this capacity. There is capacity
12 for zero. What's the capacity for an honest living wage?
13 You know, we've got people that are out -- we've got
14 citizens that are paying for curbside recycling as part of
15 their garbage bill. They put that stuff out religiously
16 at the curb. We've got city council members and boards of
17 supervisors that have lost their jobs because they've
18 added cost to collection to provide that service.

19 And then nobody wants to pay for it. And then
20 everybody turns around and says, "We don't have enough
21 material." Of course we're not going to spend 4 cents a
22 pound for the stuff. You know, we want it for nothing.

23 So I would suggest, especially the way that this
24 is written -- and I don't hold this against staff. I
25 think it's a good job. But it illustrates that when we

1 look for quality assurance and we hear people saying, "We
2 want to make sure that we get good quality," does that
3 mean we need to rinse out every container? Does that mean
4 that the film plastic that's used in agricultural
5 operations that aren't used are never reused because
6 nobody wants to clean the mud or the pesticide?

7 We need to have some kind of a forum where we
8 really quantify what those issues are, because -- and let
9 Board members hear them and decide what's real and what's
10 not real. Because, you know, we landfill all kinds of
11 agricultural plastic every day that could be the feedstock
12 for plastic bags. Somebody testified, I don't know, what,
13 four months ago, five months ago, when we had that thing
14 on the -- that the plastics people came forward and you
15 said that the bag smells and it's gray or something.

16 Well, let's talk about that. That's quality
17 assurance issues. Let's figure where the cost could be,
18 because the cost can't always be on the citizen or on the
19 garbage company that's providing the service. It cannot
20 be. But, remember, when an oil company or any company is
21 forced to have to include that, they want the cost as far
22 away from them as possible. They want it on the citizen,
23 and I'm saying spread it amongst all three. Spread it
24 among the citizens, the processors, and the new end-users,
25 and make it fair.

1 This has always been about the burden on the
2 citizen and on the hauler. And after reading this, it
3 becomes more evident.

4 So I don't know what you want to do, Mr. Chair.
5 But this is critical, because every time I see an
6 advertisement with a bottle of shampoo falling on a shower
7 floor, it's like, God, please don't ever get rid of
8 plastic because -- and I don't want to get rid of it.
9 Just take a little bit of it back, you know. It will
10 preserve the oil a little bit, you know.

11 I really think that this needs more work.

12 CHAIRPERSON MEDINA: I think your points are all
13 well taken, Board Member Jones. I do think that we need a
14 workshop in this area, and we'll see if we can move
15 forward on a workshop.

16 In regard to the resolution at hand, what are the
17 Board members wishes on this resolution that we have at
18 hand? Do we either want to move it or not move it?

19 COMMITTEE MEMBER JONES: Mr. Chair?

20 CHAIRPERSON MEDINA: Yes.

21 COMMITTEE MEMBER JONES: I don't know how the
22 other members feel, but I appreciate your leadership in
23 saying that we need to have a quick workshop on this and
24 get some of these issues fleshed out.

25 Does it create a problem if we have that workshop

1 first and then try to modify this proposal? Because to
2 set this scope of work forward looking for quality control
3 and quality assurance without really us having a chance to
4 see where they want to put that burden may not be fair to
5 staff because it may end up changing a little bit. I
6 don't know.

7 MR. ORR: I'd like to maybe say a couple of
8 things. First of all, this is one piece of an overall
9 allocation of money that we got this fiscal year through
10 BCP 2 that Edgar referred to earlier. And if you look at
11 the contract concept that's included as an attachment to
12 this agenda item, you actually see some of the other
13 pieces that deal with -- so if you look at 53-8 and then
14 on 53-9, you can see that there are several different
15 components that are really directly related to market
16 development support and litigation support that was
17 related to this BCP.

18 In addition, as the Board members know, we've
19 been continuing to develop the plastics white paper. And
20 we actually have a workshop scheduled for January 23rd,
21 that I believe Tim Shestek mentioned. And one of the
22 topics that will be included as part of that is the
23 collection infrastructure. And another one would be on
24 more of the technological, the research and development
25 elements as follow-up to the plastics white paper.

1 So I think that there's -- as far as this
2 particular piece, is a very technical piece. It's
3 designed to address the quality of plastics and to give
4 some quantification of what method people are supposed to
5 use to test whether or not that plastic works for a given
6 application.

7 I think that there have been a number of other
8 very valuable issues raised.

9 COMMITTEE MEMBER WASHINGTON: Does that suggest
10 that this is time sensitive?

11 MR. ORR: It's time sensitive only to the extent
12 that, you know, this money does need to be -- this
13 initiates the RFP process. And, you know, we only have a
14 month or two before we need to get RFPs on the street for
15 this fiscal year in order to get them back in time to get
16 them through.

17 COMMITTEE MEMBER WASHINGTON: So Mr. Jones'
18 request, I take it, is not that unreasonable in the sense
19 that he would like a little bit more time?

20 MR. ORR: I guess what I'm suggesting is that I
21 don't -- that we have monies that are set aside and
22 processes that are currently under way to address I think
23 the more -- the broader issues that Mr. Jones raises,
24 which are very important.

25 I just think it's a slightly different topic than

1 what's addressed through this one little piece of that
2 overall pie.

3 We could wait until after the workshop that I
4 mentioned on January 23rd and bring this back next month
5 if that would be the Committee's pleasure.

6 CHAIRPERSON MEDINA: Is that the Committee's
7 pleasure to not vote on this resolution at this time and
8 bring it back later, or do we want to move this
9 resolution?

10 COMMITTEE MEMBER WASHINGTON: Well, I think Mr.
11 Jones, who brought this issue forward, should give us some
12 direction in terms of what his thoughts are.

13 COMMITTEE MEMBER JONES: Just one question, Mr.
14 Chair?

15 When we look at the first task we say quality
16 management, quality policy and objective, personnel who
17 manage, perform, and verify the work. You know, we're
18 putting these things together, the source of material, the
19 sampling plan. Are you talking about the source of
20 feedstock that will ultimately become PCR resin?

21 MR. ORR: I believe this is actually not as much
22 focused on the feedstock as it is the pellets. So it's
23 more the properties of the plastic -- the stuff that's
24 already been processed into -- not the collected
25 materials, but more the properties of the pellets that

1 then are used to make the products or packaging.

2 COMMITTEE MEMBER JONES: Okay. My concern, as I
3 made it very clear, is there is an incredible campaign --
4 as anybody that has been around here knows, when you go
5 and ask somebody for something with recycled content and
6 there -- and we're told, "Well, we can't make this
7 irrigation pipe out of recycled content because it's no
8 good," even though the walls are that thick. That scares
9 me.

10 If this contract isn't dealing with those types
11 of issues -- I don't want this contract to be used to
12 support a propaganda campaign that recycled content is
13 bad. That's as clear as I can make it.

14 Does this do that?

15 MR. ORR: I don't believe so. I think it does
16 the opposite, which is it tends to define performance
17 requirements, whether it's PCR or whether it's virgin
18 plastic.

19 COMMITTEE MEMBER JONES: Okay. But I don't
20 want -- by the same token, I don't want them saying, to
21 get this thing, every container's got to be washed five
22 times before it's picked up at a curbside program.

23 MR. ORR: It won't do that.

24 COMMITTEE MEMBER JONES: Do you understand what
25 I'm saying?

1 MR. ORR: Absolutely.

2 COMMITTEE MEMBER JONES: I don't want that
3 shifted even more -- you know, worse than it is today. If
4 that's the case -- but I still think, you know, at some
5 point we need to really either join them at their
6 workshop or something --

7 CHAIRPERSON MEDINA: Yes, we will do that.

8 COMMITTEE MEMBER JONES: Then I'll be okay with
9 this, providing that we don't add more fodder for the
10 advertising campaigns.

11 MR. ORR: You have my personal assurance, Mr.
12 Jones.

13 (Laughter.)

14 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

15 CHAIRPERSON MEDINA: Yes, Board Member
16 Washington.

17 COMMITTEE MEMBER WASHINGTON: I'd like to move
18 adoption of Resolution 2003-29, consideration of scope of
19 work for the Post-Consumer Resin, PCR, Quality Assurance
20 and Testing Protocol Contract, IWMA Fund, Fiscal Year
21 2002-2003, Contract Concept Number 2.

22 COMMITTEE MEMBER JONES: I'll second.

23 CHAIRPERSON MEDINA: The Resolution 2003-29 has
24 been moved by Board Member Washington, seconded by Board
25 Member Jones.

1 Substitute the previous roll call?

2 Okay. That will go on fiscal consensus.

3 We have two items remaining. I guess there's
4 approximately 30 seconds.

5 (Laughter.)

6 CHAIRPERSON MEDINA: If we can get those done,
7 thank you.

8 DEPUTY DIRECTOR WOHL: I think that item's
9 actually on Committee consensus. It's just the scope of
10 work at this point.

11 Okay. Agenda Item 55. I guess Kathy Frevert
12 heard you. Consideration of contractor for the
13 Sustainable Building Technical Assistance Service
14 Contract.

15 And she'll give you the abbreviated version.

16 MS. FREVERT: Do I really have just 30 seconds?

17 CHAIRPERSON MEDINA: We have a little leeway on
18 that.

19 MS. FREVERT: Kathy Frevert, Waste Prevention,
20 Market Development Division, Integrated Waste Management
21 Specialist.

22 After the 2002 Board meeting where the Board
23 approved the scope of work and allocation of \$200,000
24 Fiscal Year 2002-03, staff utilized competitive requests
25 for qualifications bidding process, and we received five

1 statement of qualifications. We scored the applicants,
2 and three applicants with the highest scores came in for
3 interviews. The evaluation team scored for each team.
4 And Berkebile Nelson Immenschuh McDowell, BNIM for short,
5 had the highest score.

6 BNIM is one of the country's leading architect
7 and engineering firms specializing in sustainable
8 building.

9 We did send a profile to each of the Board
10 members about the prospective contractor. And they will
11 be assisting us on incorporating recycled content,
12 including tire-derived products, into construction
13 projects. And that includes product testing, working with
14 manufacturers, specification writing. They'll be
15 reviewing and commenting on building construction
16 documents for school, colleges and universities, state
17 facilities, and local governments, and helping with
18 presentations to key decisionmakers about the benefits and
19 costs of sustainable building.

20 The contract amount for \$200,000 is to be divided
21 equally between the Tire Recycling Management Fund and the
22 Integrated Waste Management Account.

23 Staff recommends Option 1, for the Board to
24 approve BNIM as the contractor for the Sustainable
25 Building Technical Assistance Contract and adopt

1 Resolution 2003-31.

2 Are there any questions?

3 CHAIRPERSON MEDINA: Thank you.

4 Board members, any comments or questions?

5 COMMITTEE MEMBER JONES: Mr. Chair.

6 CHAIRPERSON MEDINA: Board Member Jones.

7 COMMITTEE MEMBER JONES: I'll move adoption of
8 Resolution 2003-31, the consideration of the contractor
9 for the Sustainable Building Technical Assistance
10 Contract, 2002-3, Concept Number 25, awarded to BNIM.
11 Much easier.

12 CHAIRPERSON MEDINA: Is there a second to this
13 resolution?

14 COMMITTEE MEMBER WASHINGTON: Second.

15 CHAIRPERSON MEDINA: Okay. Board Member Jones
16 has moved resolution 2003-31, seconded by Board Member
17 Washington.

18 Substitute the previous roll call.

19 And this will go on fiscal consensus.

20 DEPUTY DIRECTOR WOHL: And the last agenda item,
21 56, is consideration of scope of work for the Conversion
22 Technologies Life Cycle and Market Impact Assessment
23 Contract.

24 And Howard Levenson and Fernando Berton will
25 present.

1 MR. LEVENSON: Good afternoon, Mr. Chair and
2 Board members. We'll be real quick on this.

3 First of all, I do want to say that Fernando and
4 Steve Storelli have worked really hard on this scope of
5 work. And they had a 20-minute video showing you all the
6 tasks, but we'll skip that.

7 We're asking that you approve a scope of work for
8 a contract that would evaluate some of the technical and
9 economic aspects of developing conversion technologies in
10 California.

11 And by conversion technologies, that's kind of a
12 term of art that we use to talk about non-burn
13 technologies that can take some of the materials that are
14 now going to landfills and instead convert them into
15 energy, alternative fuels, and other products.

16 If you approve the scope of work that's in this
17 item, we would use that and issue a request for proposal
18 that would go out in late January. We'd come back to the
19 Board in April with an award.

20 I just want to indicate that there are no such
21 technologies yet developed in California. And because of
22 that, the Legislature passed AB 2770 last session. And it
23 directed the Board to conduct a variety of studies on
24 these technologies and report back to the Legislature on
25 them.

1 So this is the first in a series of items that
2 you'll be seeing. Executive Director Leary sent you a
3 memo last month outlining the plan for that. And this is
4 the first. You'll get a couple more items next month on
5 that. We're on a pretty tight timeframe because we want
6 results back from all these studies by December so we can
7 prepare a report for your consideration for back to the
8 Legislature.

9 So we have -- we're certainly available to answer
10 any questions you might have about this scope of work.
11 But with that, we'll just recommend that you approve
12 Option 1 and adopt Resolution 2003-32.

13 CHAIRPERSON MEDINA: Thank you.

14 Board Member Paparian.

15 COMMITTEE MEMBER PAPARIAN: Yeah, thank you, Mr.
16 Chairman.

17 You accused me at the beginning of the meeting of
18 reading legislation, laws and stuff. And I'm sorry to say
19 I did that in this case.

20 Howard, I went back and looked at 2770, and I was
21 trying to correlate that to the scope of work somewhat.
22 And as -- 2770 went through several iterations in the
23 process, wound up being legislation that called for a
24 report, and the report doing several specific things.

25 It seems like in reading the scope of work that

1 it goes somewhat beyond what was in the legislation in
2 terms of what the Legislature was looking for in a report.
3 But I'm not certain of that. And I wanted to see if you
4 had -- if you go back to the legislation, it defines the
5 technology somewhat, kind of limits what you're talking
6 about, non -- you know, non-burn technologies, the amount
7 of oxygen that can be involved in the technologies and so
8 forth, that the technologies is for stuff where all
9 recyclables have been removed to the maximum extent
10 feasible before it gets to the process for the conversion
11 technologies.

12 And then the legislation talks about looking at
13 the various impacts, the environmental impacts, the health
14 impacts, the impacts on recycling and composting of the
15 technologies.

16 MR. LEVENSON: That's correct. And this scope of
17 work -- there's a couple sections at the end of the
18 legislation that asks us to describe and evaluate
19 technologies. And that would be the subject of an item
20 we're going to bring back to you next month for an
21 agreement with the University of California at Riverside
22 and Davis.

23 There's a section that asks us to look at life
24 cycle in public health impacts of these technologies. And
25 that's what the Part 2 of this scope of work before you

1 today would address.

2 There's another section that asks us to evaluate
3 the impacts that developing these technologies would have
4 on recycling and composting markets. And that's the Part
5 3 of this scope of work that's before you today.

6 So the other thing that we -- so we would have
7 this scope of work. And whoever the contractor would be
8 would address the life cycle and kind of economic impacts
9 that the legislation asked us to deal with.

10 An interagency agreement with UC next month would
11 be looking at kind of the technical description and
12 performance characteristics, some of the missions issues
13 related to these technologies.

14 And then we also will be bringing back an
15 interagency agreement next month with OEHHA, Office of
16 Environmental Health Hazard Assessment, to provide
17 additional services related to the public health aspects
18 of these technologies. Kind of some peer review and
19 assisting us in doing some of that work.

20 So, I think -- I'm not sure if that answers your
21 question. But that's the package that we've put together
22 basically to try and address the specifics of the
23 legislation.

24 COMMITTEE MEMBER PAPARIAN: Yeah, it almost -- in
25 looking at this scope of work, it almost seems like

1 there's some market development analysis.

2 MR. LEVENSON: Well, it's market impact analysis,
3 because -- the legislation specifically asks us to -- I'll
4 just quote here -- "a description and evaluation of the
5 impacts on the recycling and composting markets as a
6 result of each conversion technology." So what we have to
7 do is look at kind of the future develop -- potential
8 future development of compost and recycling markets and
9 then look at how the development of conversion technology
10 facilities and their use of materials might impact those
11 markets.

12 So that's what that -- we call it Part 3.
13 There's 3 parts to the scope. One is kind of the
14 administrative details. But the --

15 COMMITTEE MEMBER PAPARIAN: Yeah. But it also --
16 in terms of impacting those markets, it seems like the
17 legislation was intended that all of the recyclable
18 material be removed before it gets into the process.

19 MR. LEVENSON: Well, that --

20 COMMITTEE MEMBER PAPARIAN: So it seems like one
21 of the questions should be is, you know, is it all
22 envisioned that material will make it to the conversion
23 process that could have been --

24 MR. LEVENSON: Well, in the original versions of
25 2770, which was Board sponsored through the

1 administration, we had a lot of provisions in there
2 defining exactly what kinds of materials might be able to
3 go to these technologies and conditions under which the
4 Board would be looking at those.

5 That was stripped out. And what the legislation
6 ended up being was a definition of gasification, a very
7 specific definition that one particular company was able
8 to get inserted into that, into the legislation. And then
9 the -- just the research and development -- and you're
10 right. In terms of our use of that term we've been
11 looking at it in the sense of what materials after
12 recycling would be available for these technologies. And
13 in looking -- that was the Legislature's intent, would
14 be -- they didn't enact any specific provisions to
15 implement that particular concept. But in asking us to
16 look at what the impacts on recycling and composting would
17 be, that would give them the information they would need
18 in order to address that question in the future.

19 COMMITTEE MEMBER PAPARIAN: But does it help
20 answer the question of whether stuff that could have been
21 composted or recycled?

22 MR. LEVENSON: Well, that's what -- well, I'm not
23 sure where you're headed. I'm sorry. But the University
24 of California contract, which we'll bring to you next
25 month, we'll be looking at exactly what feedstocks are

1 amenable for which particular technologies. In the long
2 run we'll have to report back to the Legislature and say
3 that "Here's the range of technologies, here's their
4 emissions, here's the feedstocks they can use." You know,
5 "if you would like to protect materials that could be
6 recycled, then here are some suggestions in terms of how
7 to do that. If you want to have it open, here would be
8 some suggestions." That will be kind of your call when we
9 bring back the draft report about a year from now. But it
10 would be, you know, what policies do you eventually want
11 to recommend to the Legislature.

12 COMMITTEE MEMBER PAPARIAN: And then in the scope
13 there is a scenario. And if I add it up right, I think
14 the scenario suggests that there might be 13, maybe it's
15 14 conversion technology facilities sited in the next
16 seven years.

17 Is there any intent in the scope -- well, what's
18 the intent for the use of that information that there
19 could be 13 or 14 facilities sited in northern and
20 southern California?

21 MR. LEVENSON: Well, what we felt was in order to
22 have -- and this is a complicated scope of work and the
23 task before us is pretty complicated. That's the reason
24 why we're going out to bid, first of all, is that we want
25 to see -- we think there are a lot of folks out there who

1 can help us address this.

2 But in order to be able to evaluate bids on a
3 comparative basis, we needed to have kind of a "Here's a
4 first scenario, a hypothetical scenario. How would you
5 analyze this kind of scenario?" so that we can compare
6 bids across the different bidders.

7 It doesn't mean that there will be 14 facilities
8 in 7 years. It's just saying that -- we're trying to look
9 at life cycle impacts, and we wanted to make sure that we
10 are looking at the whole range of technologies. And you
11 have to look at those impacts the legislation directs us
12 to look at in comparison with some of the other solid
13 waste management technologies. So you start having to
14 create, you know, well, what would that look like in a
15 given area for a given set of facilities in comparison
16 with the existing system? So we had to develop some
17 scenarios, some reasonable scenarios for what might be
18 available.

19 COMMITTEE MEMBER PAPARIAN: Okay. So what
20 they'll be looking at is the impacts that might happen if
21 there were this many facilities developed, as opposed to
22 also including how you would get to siting of this many
23 facilities?

24 MR. LEVENSON: That is correct. This doesn't
25 talk about actual siting.

1 COMMITTEE MEMBER PAPARIAN: -- or how you would
2 promote getting -- okay.

3 MR. LEVENSON: No. No, it's just if you had A,
4 B, C facilities, it would be their impacts compared with
5 kind of what's currently going on.

6 COMMITTEE MEMBER PAPARIAN: Okay. And then one
7 of the things in the legislation is to compare these
8 technologies to the environmental impacts and public
9 health impacts of land filling and transformation -- the
10 existing transformation facilities in California.

11 What will be the basis for determining what those
12 impacts are? I mean how will they know what those
13 impacts are so they have something to compare those things
14 to?

15 MR. LEVENSON: Fernando, you can add in on this
16 too. But that's exactly why we have to create a kind of a
17 situation, if you will. So that you look at a certain
18 area and you say, "Here's what's generated in that area.
19 Here's the current collection system. It has these kinds
20 of impacts. If it went to a landfill, it would have these
21 kinds of impacts. If it went to a hydrolysis facility, it
22 would have these kinds of impacts."

23 And that kind of analysis is a fairly standard
24 practice. It's called life cycle analysis model. And
25 there's a number of the national laboratories and some of

1 the engineering consulting firms have models to do that.
2 And there actually are models that will -- known models
3 that will predict landfill emissions, incineration
4 emissions, collection emissions.

5 What's missing is the middle piece for these
6 kinds of technologies, like a gasification facility or a
7 hydrolysis facility. They'll have to go out and get some
8 data from -- you know, as best they can to estimate the
9 emissions from these facilities and then say if a thousand
10 tons a day went to a gasification facility instead of a
11 landfill, what's the difference in emissions? Is it a net
12 environmental benefit or a negative impact or what?

13 COMMITTEE MEMBER PAPARIAN: So they'll look at
14 the possible methane emissions and so forth from a
15 landfill. But I mean it seems like we also have a study
16 out there to look at the environmental impacts of
17 landfills, which we haven't seen yet --

18 MR. LEVENSON: Correct. But that's a general
19 study in terms of, you know, kind of the emissions and
20 potential controls. This would be saying, for a given set
21 of materials -- let's say it's a thousand tons a day, just
22 take that out of the air, and we can change that number
23 when with working with the contractor -- if it goes
24 through the collection system and goes down this pathway
25 towards a gasification facility, it's going to end up

1 yielding these kinds of environmental emissions. If it
2 goes down instead to land filling or something else, it
3 will be these kinds of emissions. You'll be able to see
4 that and then say, this is better, this is worse.

5 COMMITTEE MEMBER PAPARIAN: Yeah, but I guess
6 what I'm asking -- I'm not sure you could go out today and
7 say, if you send a thousand tons a day to a landfill --

8 CHAIRPERSON MEDINA: Board Member Paparian, I
9 appreciate your interest in this item. What I'd like to
10 do is not place it on consensus, but put it before the
11 full Board for discussion. I do need to adjourn at this
12 time for some other commitments.

13 COMMITTEE MEMBER PAPARIAN: Okay.

14 CHAIRPERSON MEDINA: Okay. So if we can move
15 this resolution, it will not be placed on the consent
16 calendar, but will be put before the full Board for
17 further discussion.

18 COMMITTEE MEMBER WASHINGTON: Mr. Chair.

19 CHAIRPERSON MEDINA: Yes, Board Member
20 Washington.

21 COMMITTEE MEMBER WASHINGTON: I'd like to move
22 adoption of Resolution 2003-32, consideration of a scope
23 of work for Conversion Technologies Life Cycle and Market
24 Impact Assessment Contract, Fiscal Year 2002-03, AB 2770,
25 appropriation.

1 COMMITTEE MEMBER JONES: Second.

2 CHAIRPERSON MEDINA: Resolution 2003-32 has been
3 moved by Board Member Washington, seconded by Board Member
4 Jones.

5 Substitute the previous roll call?

6 And this will --

7 COMMITTEE MEMBER PAPARIAN: Show me abstaining on
8 that because I didn't finish my --

9 CHAIRPERSON MEDINA: Okay. Take the roll on this
10 please.

11 SECRETARY HARRIS: Washington?

12 COMMITTEE MEMBER WASHINGTON: Aye.

13 SECRETARY HARRIS: Jones?

14 COMMITTEE MEMBER JONES: Aye.

15 SECRETARY HARRIS: Paparian?

16 COMMITTEE MEMBER PAPARIAN: Abstain.

17 SECRETARY HARRIS: Medina?

18 CHAIRPERSON MEDINA: Aye.

19 And, again, this matter will come before the full
20 Board, give us an opportunity to have further discussion
21 on these issues. And this meeting is adjourned.

22 (Thereupon the California Integrated Waste
23 Management Board, Special Waste and Market
24 Development Committee meeting adjourned
25 at 12:15 p.m.)

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Special Waste and Market Development Committee meeting was
8 reported in shorthand by me, James F. Peters, a Certified
9 Shorthand Reporter of the State of California, and
10 thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 13th day of January, 2003.

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